

Miamisburg Representative Niraj Antani (R-District 42) is a primary sponsor of the bill and said, "They're told that they won't be able to follow the post operation regimen, their body won't be able to handle it, or that it's implied that their life is less worthy and that's wrong."

Sandusky Register: State bill aims to plug orphan wells

"As the representative of a district that is very concerned with the harmful effects of human activity on the environment ... I was proud to co-sponsor House Bill 225," Arndt said. "This legislation will help homeowners that discover abandoned orphan wells on their properties to properly address them."

My Town NEO: Hudson boys cross country team recognized by Roegner, LaRose

"It takes a lot of hard work and dedication to win a state title," Roegner said. "Our Hudson Boys Cross Country Team won the Division I State Championship through steadfast dedication. With an average 3.99 GPA, they are incredible student athletes and have earned the admiration of the state of Ohio."

Columbus Dispatch: Ohio lawmakers going after pharmacy benefit managers

Reps. Scott Lipps, R-Franklin, and Thomas West, D-Canton, say pharmacy benefit management companies (PBMs) are issuing "gag orders" to keep pharmacists quiet about what could be cheaper medicines for their clients, and keeping the extra money for themselves — something the lawmakers hope to ban with new legislation, House Bill 479.

WKSU: Conservative lawmakers renew their push for Ohio to become a right-to-work state

Reps. John Becker and Craig Riedel say their bill would allow voters to decide whether Ohio should be a right-to-work state for public and private sector employees and would put limits on unions to collect dues and spend money on political ads. Riedel says Ohioans should decide this issue, once and for all.

Marion Online: Riordan McClain sworn in as State Representative of the 87th Ohio House District

"Riordan McClain's experience in the private sector and financial management will surely prove to be a valuable asset to our caucus," said Speaker Cliff Rosenberger (R-Clarksville). ... "I accept this appointment and will be honored to serve Ohio's 87th House District as state representative. I am appreciative of all the support that I've received through this process and look to carry that forward into a successful term representing our shared values," said McClain.

Wilmington News Journal: Guest column from Speaker Cliff Rosenberger: Business growth affirms healthy economy

The eighth consecutive year the state has experienced a record number of filings, new businesses have grown more than 46 percent since 2010. This continued progress is a

sure sign of economic health — when individuals are thriving and feel comfortable, they are able to invest in establishing their own business.

Portsmouth Daily Times: Rep. Johnson honors 'Burg with state resolution

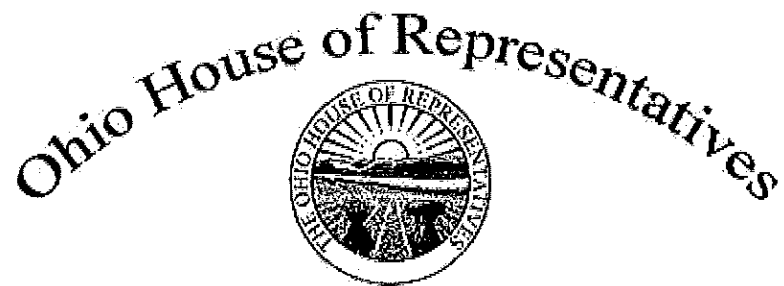
Ohio State Representative Terry Johnson (R-McDermott) honored the Wheelersburg Pirates' football program for its state championship run back in the fall.

From: James, Ben

Sent: Thursday, February 1, 2018 4:37 PM

Subject: State Report Card Reform Bill Interested Party Meeting

Attachments: Bill Draft 1_132_1909.pdf



Good afternoon:

Representative Duffey would like you to join him for an interested party meeting on Thursday, February 8th from 10am-12pm in the 13th Floor West Conference Room.

The purpose for this interested party meeting is to bring together education stakeholders to discuss ways to reform Ohio's school report cards. Representative Duffey directed LSC to draft a very rough bill draft in order to have a starting point for discussion. See attached.

Please let us know if you are able to attend no later than Tuesday, February 6th at 5pm.

Respectfully,

Ben James

Legislative Aide

Office of Representative Mike Duffey

Ohio House District 21

614-644-6030

I_132_1909

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 3301.0711, 3301.0714, 3301.0715, 1
3301.52, 3301.81, 3302.01, 3302.02, 3302.03, 2
3302.036, 3302.04, 3302.05, 3302.063, 3302.10, 3
3302.12, 3302.13, 3302.15, 3302.151, 3302.21, 4
3302.22, 3310.03, 3311.741, 3311.80, 3313.413, 5
3313.618, 3313.6113, 3313.903, 3314.012, 6
3314.015, 3314.016, 3314.017, 3314.02, 3314.03, 7
3314.034, 3314.05, 3314.085, 3314.35, 3317.0216, 8
3319.111, 3319.112, 3326.17, 3326.41, 3328.26, 9
3333.041, 3333.048, and 3333.391; to amend, for 10
the purpose of adopting a new section number as 11
indicated in parentheses, section 3302.03 12
(3302.032); to enact new section 3302.03; and to 13
repeal sections 3302.031, 3302.032, 3302.034, 14
3302.035, and 3314.37 of the Revised Code to 15
revise the state report card rating system for 16
school districts and public schools. 17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.0711, 3301.0714, 3301.0715, 18


d7kemwewktxzvzfjhjopzrj

3301.52, 3301.81, 3302.01, 3302.02, 3302.03, 3302.036, 3302.04, 19
3302.05, 3302.063, 3302.10, 3302.12, 3302.13, 3302.15, 3302.151, 20
3302.21, 3302.22, 3310.03, 3311.741, 3311.80, 3313.413, 21
3313.618, 3313.6113, 3313.903, 3314.012, 3314.015, 3314.016, 22
3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 3314.085, 23
3314.35, 3317.0216, 3319.111, 3319.112, 3326.17, 3326.41, 24
3328.26, 3333.041, 3333.048, and 3333.391 be amended; section 25
3302.03 (3302.032) be amended for the purpose of adopting a new 26
section number as indicated in parentheses; and new section 27
3302.03 of the Revised Code be enacted to read as follows: 28

Sec. 3301.0711. (A) The department of education shall: 29

(1) Annually furnish to, grade, and score all assessments 30
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 31
the Revised Code to be administered by city, local, exempted 32
village, and joint vocational school districts, except that each 33
district shall score any assessment administered pursuant to 34
division (B) (10) of this section. Each assessment so furnished 35
shall include the data verification code of the student to whom 36
the assessment will be administered, as assigned pursuant to 37
division (D) (2) of section 3301.0714 of the Revised Code. In 38
furnishing the practice versions of Ohio graduation tests 39
prescribed by division (D) of section 3301.0710 of the Revised 40
Code, the department shall make the tests available on its web 41
site for reproduction by districts. In awarding contracts for 42
grading assessments, the department shall give preference to 43
Ohio-based entities employing Ohio residents. 44

(2) Adopt rules for the ethical use of assessments and 45
prescribing the manner in which the assessments prescribed by 46
section 3301.0710 of the Revised Code shall be administered to 47
students. 48

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B) (9) of this section, 77
administer any assessment prescribed under division (B) (1) of 78
section 3301.0710 of the Revised Code as follows: 79

(a) At least once annually to all tenth grade students and 80
at least twice annually to all students in eleventh or twelfth 81
grade who have not yet attained the score on that assessment 82
designated under that division; 83

(b) To any person who has successfully completed the 84
curriculum in any high school or the individualized education 85
program developed for the person by any high school pursuant to 86
section 3323.08 of the Revised Code but has not received a high 87
school diploma and who requests to take such assessment, at any 88
time such assessment is administered in the district. 89

(9) In lieu of the board of education of any city, local, 90
or exempted village school district in which the student is also 91
enrolled, the board of a joint vocational school district shall 92
administer any assessment prescribed under division (B) (1) of 93
section 3301.0710 of the Revised Code at least twice annually to 94
any student enrolled in the joint vocational school district who 95
has not yet attained the score on that assessment designated 96
under that division. A board of a joint vocational school 97
district may also administer such an assessment to any student 98
described in division (B) (8) (b) of this section. 99

(10) If the district has a three-year average graduation 100
rate of not more than seventy-five per cent, administer each 101
assessment prescribed by division (D) of section 3301.0710 of 102
the Revised Code in September to all ninth grade students who 103
entered ninth grade prior to July 1, 2014. 104

Except as provided in section 3313.614 of the Revised Code 105

for administration of an assessment to a person who has 106
fulfilled the curriculum requirement for a high school diploma 107
but has not passed one or more of the required assessments, the 108
assessments prescribed under division (B) (1) of section 109
3301.0710 of the Revised Code shall not be administered after 110
the date specified in the rules adopted by the state board of 111
education under division (D) (1) of section 3301.0712 of the 112
Revised Code. 113

(11) (a) Except as provided in division (B) (11) (b) of this 114
section, administer the assessments prescribed by division (B) 115
(2) of section 3301.0710 and section 3301.0712 of the Revised 116
Code in accordance with the timeline and plan for implementation 117
of those assessments prescribed by rule of the state board 118
adopted under division (D) (1) of section 3301.0712 of the 119
Revised Code; 120

(b) A student who has presented evidence to the district 121
or school of having satisfied the condition prescribed by 122
division (A) (1) of section 3313.618 of the Revised Code to 123
qualify for a high school diploma prior to the date of the 124
administration of the assessment prescribed under division (B) 125
(1) of section 3301.0712 of the Revised Code shall not be 126
required to take that assessment. However, no board shall 127
prohibit a student who is not required to take such assessment 128
from taking the assessment. 129

(C) (1) (a) In the case of a student receiving special 130
education services under Chapter 3323. of the Revised Code, the 131
individualized education program developed for the student under 132
that chapter shall specify the manner in which the student will 133
participate in the assessments administered under this section, 134
except that a student with significant cognitive disabilities to 135

whom an alternate assessment is administered in accordance with 136
division (C)(1) of this section and a student determined to have 137
a disability that includes an intellectual disability as 138
outlined in guidance issued by the department shall not be 139
required to take the assessment prescribed under division (B)(1) 140
of section 3301.0712 of the Revised Code. The individualized 141
education program may excuse the student from taking any 142
particular assessment required to be administered under this 143
section if it instead specifies an alternate assessment method 144
approved by the department of education as conforming to 145
requirements of federal law for receipt of federal funds for 146
disadvantaged pupils. To the extent possible, the individualized 147
education program shall not excuse the student from taking an 148
assessment unless no reasonable accommodation can be made to 149
enable the student to take the assessment. No board shall 150
prohibit a student who is not required to take an assessment 151
under division (C)(1) of this section from taking the 152
assessment. 153

(b) Any alternate assessment approved by the department 154
for a student under this division shall produce measurable 155
results comparable to those produced by the assessment it 156
replaces in order to allow for the student's results to be 157
included in the data compiled for a school district or building 158
under ~~section~~ sections 3302.03 and 3302.032 of the Revised Code. 159

(c) (i) Any student enrolled in a chartered nonpublic 160
school who has been identified, based on an evaluation conducted 161
in accordance with section 3323.03 of the Revised Code or 162
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 163
29 U.S.C.A. 794, as amended, as a child with a disability shall 164
be excused from taking any particular assessment required to be 165
administered under this section if a plan developed for the 166

student pursuant to rules adopted by the state board excuses the 167
student from taking that assessment. 168

(ii) A student with significant cognitive disabilities to 169
whom an alternate assessment is administered in accordance with 170
division (C)(1) of this section and a student determined to have 171
a disability that includes an intellectual disability as 172
outlined in guidance issued by the department shall not be 173
required to take the assessment prescribed under division (B)(1) 174
of section 3301.0712 of the Revised Code. 175

(iii) In the case of any student so excused from taking an 176
assessment under division (C)(1)(c) of this section, the 177
chartered nonpublic school shall not prohibit the student from 178
taking the assessment. 179

(2) A district board may, for medical reasons or other 180
good cause, excuse a student from taking an assessment 181
administered under this section on the date scheduled, but that 182
assessment shall be administered to the excused student not 183
later than nine days following the scheduled date. The district 184
board shall annually report the number of students who have not 185
taken one or more of the assessments required by this section to 186
the state board not later than the thirtieth day of June. 187

(3) As used in this division, "limited English proficient 188
student" has the same meaning as in 20 U.S.C. 7801. 189

No school district board shall excuse any limited English 190
proficient student from taking any particular assessment 191
required to be administered under this section, except as 192
follows: 193

(a) Any limited English proficient student who has been 194
enrolled in United States schools for less than two years and 195

for whom no appropriate accommodations are available based on 196
guidance issued by the department shall not be required to take 197
the assessment prescribed under division (B) (1) of section 198
3301.0712 of the Revised Code. 199

(b) Any limited English proficient student who has been 200
enrolled in United States schools for less than one full school 201
year shall not be required to take any reading, writing, or 202
English language arts assessment. 203

However, no board shall prohibit a limited English 204
proficient student who is not required to take an assessment 205
under division (C) (3) of this section from taking the 206
assessment. A board may permit any limited English proficient 207
student to take an assessment required to be administered under 208
this section with appropriate accommodations, as determined by 209
the department. For each limited English proficient student, 210
each school district shall annually assess that student's 211
progress in learning English, in accordance with procedures 212
approved by the department. 213

(4) (a) The governing authority of a chartered nonpublic 214
school may excuse a limited English proficient student from 215
taking any assessment administered under this section. 216

(b) No governing authority shall require a limited English 217
proficient student who has been enrolled in United States 218
schools for less than two years and for whom no appropriate 219
accommodations are available based on guidance issued by the 220
department to take the assessment prescribed under division (B) 221
(1) of section 3301.0712 of the Revised Code. 222

(c) No governing authority shall prohibit a limited 223
English proficient student from taking an assessment from which 224

the student was excused under division (C) (4) of this section. 225

(D) (1) In the school year next succeeding the school year 226
in which the assessments prescribed by division (A) (1) or (B) (1) 227
of section 3301.0710 of the Revised Code or former division (A) 228
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 229
it existed prior to September 11, 2001, are administered to any 230
student, the board of education of any school district in which 231
the student is enrolled in that year shall provide to the 232
student intervention services commensurate with the student's 233
performance, including any intensive intervention required under 234
section 3313.608 of the Revised Code, in any skill in which the 235
student failed to demonstrate at least a score at the proficient 236
level on the assessment. 237

(2) Following any administration of the assessments 238
prescribed by division (D) of section 3301.0710 of the Revised 239
Code to ninth grade students, each school district that has a 240
three-year average graduation rate of not more than seventy-five 241
per cent shall determine for each high school in the district 242
whether the school shall be required to provide intervention 243
services to any students who took the assessments. In 244
determining which high schools shall provide intervention 245
services based on the resources available, the district shall 246
consider each school's graduation rate and scores on the 247
practice assessments. The district also shall consider the 248
scores received by ninth grade students on the English language 249
arts and mathematics assessments prescribed under division (A) 250
(1) (f) of section 3301.0710 of the Revised Code in the eighth 251
grade in determining which high schools shall provide 252
intervention services. 253

Each high school selected to provide intervention services 254

under this division shall provide intervention services to any 255
student whose results indicate that the student is failing to 256
make satisfactory progress toward being able to attain scores at 257
the proficient level on the Ohio graduation tests. Intervention 258
services shall be provided in any skill in which a student 259
demonstrates unsatisfactory progress and shall be commensurate 260
with the student's performance. Schools shall provide the 261
intervention services prior to the end of the school year, 262
during the summer following the ninth grade, in the next 263
succeeding school year, or at any combination of those times. 264

(E) Except as provided in section 3313.608 of the Revised 265
Code and division (N) of this section, no school district board 266
of education shall utilize any student's failure to attain a 267
specified score on an assessment administered under this section 268
as a factor in any decision to deny the student promotion to a 269
higher grade level. However, a district board may choose not to 270
promote to the next grade level any student who does not take an 271
assessment administered under this section or make up an 272
assessment as provided by division (C) (2) of this section and 273
who is not exempt from the requirement to take the assessment 274
under division (C) (3) of this section. 275

(F) No person shall be charged a fee for taking any 276
assessment administered under this section. 277

(G) (1) Each school district board shall designate one 278
location for the collection of assessments administered in the 279
spring under division (B) (1) of this section and those 280
administered under divisions (B) (2) to (7) of this section. Each 281
district board shall submit the assessments to the entity with 282
which the department contracts for the scoring of the 283
assessments as follows: 284

(a) If the district's total enrollment in grades 285
kindergarten through twelve during the first full school week of 286
October was less than two thousand five hundred, not later than 287
the Friday after all of the assessments have been administered; 288

(b) If the district's total enrollment in grades 289
kindergarten through twelve during the first full school week of 290
October was two thousand five hundred or more, but less than 291
seven thousand, not later than the Monday after all of the 292
assessments have been administered; 293

(c) If the district's total enrollment in grades 294
kindergarten through twelve during the first full school week of 295
October was seven thousand or more, not later than the Tuesday 296
after all of the assessments have been administered. 297

However, any assessment that a student takes during the 298
make-up period described in division (C) (2) of this section 299
shall be submitted not later than the Friday following the day 300
the student takes the assessment. 301

(2) The department or an entity with which the department 302
contracts for the scoring of the assessment shall send to each 303
school district board a list of the individual scores of all 304
persons taking a state achievement assessment as follows: 305

(a) Except as provided in division (G) (2) (b) or (c) of 306
this section, within forty-five days after the administration of 307
the assessments prescribed by sections 3301.0710 and 3301.0712 308
of the Revised Code, but in no case shall the scores be returned 309
later than the thirtieth day of June following the 310
administration; 311

(b) In the case of the third-grade English language arts 312
assessment, within forty-five days after the administration of 313

that assessment, but in no case shall the scores be returned 314
later than the fifteenth day of June following the 315
administration; 316

(c) In the case of the writing component of an assessment 317
or end-of-course examination in the area of English language 318
arts, except for the third-grade English language arts 319
assessment, the results may be sent after forty-five days of the 320
administration of the writing component, but in no case shall 321
the scores be returned later than the thirtieth day of June 322
following the administration. 323

(3) For assessments administered under this section by a 324
joint vocational school district, the department or entity shall 325
also send to each city, local, or exempted village school 326
district a list of the individual scores of any students of such 327
city, local, or exempted village school district who are 328
attending school in the joint vocational school district. 329

(H) Individual scores on any assessments administered 330
under this section shall be released by a district board only in 331
accordance with section 3319.321 of the Revised Code and the 332
rules adopted under division (A) of this section. No district 333
board or its employees shall utilize individual or aggregate 334
results in any manner that conflicts with rules for the ethical 335
use of assessments adopted pursuant to division (A) of this 336
section. 337

(I) Except as provided in division (G) of this section, 338
the department or an entity with which the department contracts 339
for the scoring of the assessment shall not release any 340
individual scores on any assessment administered under this 341
section. The state board shall adopt rules to ensure the 342
protection of student confidentiality at all times. The rules 343

may require the use of the data verification codes assigned to 344
students pursuant to division (D) (2) of section 3301.0714 of the 345
Revised Code to protect the confidentiality of student scores. 346

(J) Notwithstanding division (D) of section 3311.52 of the 347
Revised Code, this section does not apply to the board of 348
education of any cooperative education school district except as 349
provided under rules adopted pursuant to this division. 350

(1) In accordance with rules that the state board shall 351
adopt, the board of education of any city, exempted village, or 352
local school district with territory in a cooperative education 353
school district established pursuant to divisions (A) to (C) of 354
section 3311.52 of the Revised Code may enter into an agreement 355
with the board of education of the cooperative education school 356
district for administering any assessment prescribed under this 357
section to students of the city, exempted village, or local 358
school district who are attending school in the cooperative 359
education school district. 360

(2) In accordance with rules that the state board shall 361
adopt, the board of education of any city, exempted village, or 362
local school district with territory in a cooperative education 363
school district established pursuant to section 3311.521 of the 364
Revised Code shall enter into an agreement with the cooperative 365
district that provides for the administration of any assessment 366
prescribed under this section to both of the following: 367

(a) Students who are attending school in the cooperative 368
district and who, if the cooperative district were not 369
established, would be entitled to attend school in the city, 370
local, or exempted village school district pursuant to section 371
3313.64 or 3313.65 of the Revised Code; 372

(b) Persons described in division (B) (8) (b) of this section. 373
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Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section. 375
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(K) (1) Except as otherwise provided in division (K) (1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the elementary assessments prescribed by section 3301.0710 of the Revised Code. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the elementary assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code. 378
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(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K) (2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school year. 395
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To be eligible to submit a request for a waiver, a 403
chartered nonpublic school shall meet the following conditions: 404

(a) At least ninety-five per cent of the students enrolled 405
in the school are children with disabilities, as defined under 406
section 3323.01 of the Revised Code, or have received a 407
diagnosis by a school district or from a physician, including a 408
neuropsychiatrist or psychiatrist, or a psychologist who is 409
authorized to practice in this or another state as having a 410
condition that impairs academic performance, such as dyslexia, 411
dyscalculia, attention deficit hyperactivity disorder, or 412
Asperger's syndrome. 413

(b) The school has solely served a student population 414
described in division (K) (1) (a) of this section for at least ten 415
years. 416

(c) The school provides to the department at least five 417
years of records of internal testing conducted by the school 418
that affords the department data required for accountability 419
purposes, including diagnostic assessments and nationally 420
standardized norm-referenced achievement assessments that 421
measure reading and math skills. 422

(3) Any chartered nonpublic school that is not subject to 423
division (K) (1) of this section may participate in the 424
assessment program by administering any of the assessments 425
prescribed by division (A) of section 3301.0710 of the Revised 426
Code. The chief administrator of the school shall specify which 427
assessments the school will administer. Such specification shall 428
be made in writing to the superintendent of public instruction 429
prior to the first day of August of any school year in which 430
assessments are administered and shall include a pledge that the 431
nonpublic school will administer the specified assessments in 432

the same manner as public schools are required to do under this 433
section and rules adopted by the department. 434

(4) The department of education shall furnish the 435
assessments prescribed by section 3301.0710 of the Revised Code 436
to each chartered nonpublic school that is subject to division 437
(K) (1) of this section or participates under division (K) (3) of 438
this section. 439

(L) If a chartered nonpublic school is educating students 440
in grades nine through twelve, the following shall apply: 441

(1) For a student who is enrolled in a chartered nonpublic 442
school that is accredited through the independent schools 443
association of the central states and who is attending the 444
school under a state scholarship program, the student shall 445
either take all of the assessments prescribed by division (B) of 446
section 3301.0712 of the Revised Code or take an alternative 447
assessment approved by the department under section 3313.619 of 448
the Revised Code. However, a student who is excused from taking 449
an assessment under division (C) of this section or has 450
presented evidence to the chartered nonpublic school of having 451
satisfied the condition prescribed by division (A) (1) of section 452
3313.618 of the Revised Code to qualify for a high school 453
diploma prior to the date of the administration of the 454
assessment prescribed under division (B) (1) of section 3301.0712 455
of the Revised Code shall not be required to take that 456
assessment. No governing authority of a chartered nonpublic 457
school shall prohibit a student who is not required to take such 458
assessment from taking the assessment. 459

(2) For a student who is enrolled in a chartered nonpublic 460
school that is accredited through the independent schools 461
association of the central states, and who is not attending the 462

school under a state scholarship program, the student shall not
be required to take any assessment prescribed under section
3301.0712 or 3313.619 of the Revised Code.

(3) (a) Except as provided in division (L) (3) (b) of this
section, for a student who is enrolled in a chartered nonpublic
school that is not accredited through the independent schools
association of the central states, regardless of whether the
student is attending or is not attending the school under a
state scholarship program, the student shall do one of the
following:

(i) Take all of the assessments prescribed by division (B)
of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)
(1) of section 3301.0712 of the Revised Code, provided that the
student's school publishes the results of that assessment for
each graduating class. The published results of that assessment
shall include the overall composite scores, mean scores, twenty-
fifth percentile scores, and seventy-fifth percentile scores for
each subject area of the assessment.

(iii) Take an alternative assessment approved by the
department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment
under division (C) of this section or has presented evidence to
the chartered nonpublic school of having satisfied the condition
prescribed by division (A) (1) of section 3313.618 of the Revised
Code to qualify for a high school diploma prior to the date of
the administration of the assessment prescribed under division
(B) (1) of section 3301.0712 of the Revised Code shall not be
required to take that assessment. No governing authority of a

chartered nonpublic school shall prohibit a student who is not 492
required to take such assessment from taking the assessment. 493

(M) (1) The superintendent of the state school for the 494
blind and the superintendent of the state school for the deaf 495
shall administer the assessments described by sections 3301.0710 496
and 3301.0712 of the Revised Code. Each superintendent shall 497
administer the assessments in the same manner as district boards 498
are required to do under this section and rules adopted by the 499
department of education and in conformity with division (C) (1) 500
(a) of this section. 501

(2) The department of education shall furnish the 502
assessments described by sections 3301.0710 and 3301.0712 of the 503
Revised Code to each superintendent. 504

(N) Notwithstanding division (E) of this section, a school 505
district may use a student's failure to attain a score in at 506
least the proficient range on the mathematics assessment 507
described by division (A) (1) (a) of section 3301.0710 of the 508
Revised Code or on an assessment described by division (A) (1) 509
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 510
Code as a factor in retaining that student in the current grade 511
level. 512

(O) (1) In the manner specified in divisions (O) (3), (4), 513
(6), and (7) of this section, the assessments required by 514
division (A) (1) of section 3301.0710 of the Revised Code shall 515
become public records pursuant to section 149.43 of the Revised 516
Code on the thirty-first day of July following the school year 517
that the assessments were administered. 518

(2) The department may field test proposed questions with 519
samples of students to determine the validity, reliability, or 520

appropriateness of questions for possible inclusion in a future 521
year's assessment. The department also may use anchor questions 522
on assessments to ensure that different versions of the same 523
assessment are of comparable difficulty. 524

Field test questions and anchor questions shall not be 525
considered in computing scores for individual students. Field 526
test questions and anchor questions may be included as part of 527
the administration of any assessment required by division (A) (1) 528
or (B) of section 3301.0710 and division (B) of section 529
3301.0712 of the Revised Code. 530

(3) Any field test question or anchor question 531
administered under division (O) (2) of this section shall not be 532
a public record. Such field test questions and anchor questions 533
shall be redacted from any assessments which are released as a 534
public record pursuant to division (O) (1) of this section. 535

(4) This division applies to the assessments prescribed by 536
division (A) of section 3301.0710 of the Revised Code. 537

(a) The first administration of each assessment, as 538
specified in former section 3301.0712 of the Revised Code, shall 539
be a public record. 540

(b) For subsequent administrations of each assessment 541
prior to the 2011-2012 school year, not less than forty per cent 542
of the questions on the assessment that are used to compute a 543
student's score shall be a public record. The department shall 544
determine which questions will be needed for reuse on a future 545
assessment and those questions shall not be public records and 546
shall be redacted from the assessment prior to its release as a 547
public record. However, for each redacted question, the 548
department shall inform each city, local, and exempted village 549

school district of the statewide academic standard adopted by 550
the state board under section 3301.079 of the Revised Code and 551
the corresponding benchmark to which the question relates. The 552
preceding sentence does not apply to field test questions that 553
are redacted under division (O) (3) of this section. 554

(c) The administrations of each assessment in the 2011- 555
2012, 2012-2013, and 2013-2014 school years shall not be a 556
public record. 557

(5) Each assessment prescribed by division (B) (1) of 558
section 3301.0710 of the Revised Code shall not be a public 559
record. 560

(6) (a) Except as provided in division (O) (6) (b) of this 561
section, for the administrations in the 2014-2015, 2015-2016, 562
and 2016-2017 school years, questions on the assessments 563
prescribed under division (A) of section 3301.0710 and division 564
(B) (2) of section 3301.0712 of the Revised Code and the 565
corresponding preferred answers that are used to compute a 566
student's score shall become a public record as follows: 567

(i) Forty per cent of the questions and preferred answers 568
on the assessments on the thirty-first day of July following the 569
administration of the assessment; 570

(ii) Twenty per cent of the questions and preferred 571
answers on the assessment on the thirty-first day of July one 572
year after the administration of the assessment; 573

(iii) The remaining forty per cent of the questions and 574
preferred answers on the assessment on the thirty-first day of 575
July two years after the administration of the assessment. 576

The entire content of an assessment shall become a public 577
record within three years of its administration. 578

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.

(7) Division (O) (7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O) (3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data 638
in the system in accordance with divisions (B) and (C) of this 639
section; 640

(2) Procedures for annually collecting and reporting the 641
data to the state board in accordance with division (D) of this 642
section; 643

(3) Procedures for annually compiling the data in 644
accordance with division (G) of this section; 645

(4) Procedures for annually reporting the data to the 646
public in accordance with division (H) of this section; 647

(5) Standards to provide strict safeguards to protect the 648
confidentiality of personally identifiable student data. 649

(B) The guidelines adopted under this section shall 650
require the data maintained in the education management 651
information system to include at least the following: 652

(1) Student participation and performance data, for each 653
grade in each school district as a whole and for each grade in 654
each school building in each school district, that includes: 655

(a) The numbers of students receiving each category of 656
instructional service offered by the school district, such as 657
regular education instruction, vocational education instruction, 658
specialized instruction programs or enrichment instruction that 659
is part of the educational curriculum, instruction for gifted 660
students, instruction for students with disabilities, and 661
remedial instruction. The guidelines shall require instructional 662
services under this division to be divided into discrete 663
categories if an instructional service is limited to a specific 664
subject, a specific type of student, or both, such as regular 665
instructional services in mathematics, remedial reading 666

instructional services, instructional services specifically for 667
students gifted in mathematics or some other subject area, or 668
instructional services for students with a specific type of 669
disability. The categories of instructional services required by 670
the guidelines under this division shall be the same as the 671
categories of instructional services used in determining cost 672
units pursuant to division (C) (3) of this section. 673

(b) The numbers of students receiving support or 674
extracurricular services for each of the support services or 675
extracurricular programs offered by the school district, such as 676
counseling services, health services, and extracurricular sports 677
and fine arts programs. The categories of services required by 678
the guidelines under this division shall be the same as the 679
categories of services used in determining cost units pursuant 680
to division (C) (4) (a) of this section. 681

(c) Average student grades in each subject in grades nine 682
through twelve; 683

(d) Academic achievement levels as assessed under sections 684
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 685

(e) The number of students designated as having a 686
disabling condition pursuant to division (C) (1) of section 687
3301.0711 of the Revised Code; 688

(f) The numbers of students reported to the state board 689
pursuant to division (C) (2) of section 3301.0711 of the Revised 690
Code; 691

(g) Attendance rates and the average daily attendance for 692
the year. For purposes of this division, a student shall be 693
counted as present for any field trip that is approved by the 694
school administration. 695

(h) Expulsion rates;	696
(i) Suspension rates;	697
(j) Dropout rates;	698
(k) Rates of retention in grade;	699
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	700 701 702
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	703 704 705 706 707
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	708 709 710 711 712 713 714 715 716
(o) Beginning on the first day of July that next succeeds the effective date of this amendment <u>1, 2018</u> , for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or	717 718 719 720 721 722 723 724

school, such as student, teacher, or nonteaching employee, but 725
shall not be identified by name. 726

Division (B) (1) (o) of this section does not apply after 727
the date that is two years following the submission of the 728
report required by Section 733.13 of H.B. 49 of the 132nd 729
general assembly. 730

(2) Personnel and classroom enrollment data for each 731
school district, including: 732

(a) The total numbers of licensed employees and 733
nonlicensed employees and the numbers of full-time equivalent 734
licensed employees and nonlicensed employees providing each 735
category of instructional service, instructional support 736
service, and administrative support service used pursuant to 737
division (C) (3) of this section. The guidelines adopted under 738
this section shall require these categories of data to be 739
maintained for the school district as a whole and, wherever 740
applicable, for each grade in the school district as a whole, 741
for each school building as a whole, and for each grade in each 742
school building. 743

(b) The total number of employees and the number of full- 744
time equivalent employees providing each category of service 745
used pursuant to divisions (C) (4) (a) and (b) of this section, 746
and the total numbers of licensed employees and nonlicensed 747
employees and the numbers of full-time equivalent licensed 748
employees and nonlicensed employees providing each category used 749
pursuant to division (C) (4) (c) of this section. The guidelines 750
adopted under this section shall require these categories of 751
data to be maintained for the school district as a whole and, 752
wherever applicable, for each grade in the school district as a 753
whole, for each school building as a whole, and for each grade 754

in each school building. 755

(c) The total number of regular classroom teachers 756
teaching classes of regular education and the average number of 757
pupils enrolled in each such class, in each of grades 758
kindergarten through five in the district as a whole and in each 759
school building in the school district. 760

(d) The number of lead teachers employed by each school 761
district and each school building. 762

(3) (a) Student demographic data for each school district, 763
including information regarding the gender ratio of the school 764
district's pupils, the racial make-up of the school district's 765
pupils, the number of limited English proficient students in the 766
district, and an appropriate measure of the number of the school 767
district's pupils who reside in economically disadvantaged 768
households. The demographic data shall be collected in a manner 769
to allow correlation with data collected under division (B) (1) 770
of this section. Categories for data collected pursuant to 771
division (B) (3) of this section shall conform, where 772
appropriate, to standard practices of agencies of the federal 773
government. 774

(b) With respect to each student entering kindergarten, 775
whether the student previously participated in a public 776
preschool program, a private preschool program, or a head start 777
program, and the number of years the student participated in 778
each of these programs. 779

(4) Any data required to be collected pursuant to federal 780
law. 781

(C) The education management information system shall 782
include cost accounting data for each district as a whole and 783

for each school building in each school district. The guidelines 784
adopted under this section shall require the cost data for each 785
school district to be maintained in a system of mutually 786
exclusive cost units and shall require all of the costs of each 787
school district to be divided among the cost units. The 788
guidelines shall require the system of mutually exclusive cost 789
units to include at least the following: 790

(1) Administrative costs for the school district as a 791
whole. The guidelines shall require the cost units under this 792
division (C) (1) to be designed so that each of them may be 793
compiled and reported in terms of average expenditure per pupil 794
in formula ADM in the school district, as determined pursuant to 795
section 3317.03 of the Revised Code. 796

(2) Administrative costs for each school building in the 797
school district. The guidelines shall require the cost units 798
under this division (C) (2) to be designed so that each of them 799
may be compiled and reported in terms of average expenditure per 800
full-time equivalent pupil receiving instructional or support 801
services in each building. 802

(3) Instructional services costs for each category of 803
instructional service provided directly to students and required 804
by guidelines adopted pursuant to division (B) (1) (a) of this 805
section. The guidelines shall require the cost units under 806
division (C) (3) of this section to be designed so that each of 807
them may be compiled and reported in terms of average 808
expenditure per pupil receiving the service in the school 809
district as a whole and average expenditure per pupil receiving 810
the service in each building in the school district and in terms 811
of a total cost for each category of service and, as a breakdown 812
of the total cost, a cost for each of the following components: 813

(a) The cost of each instructional services category 814
required by guidelines adopted under division (B) (1) (a) of this 815
section that is provided directly to students by a classroom 816
teacher; 817

(b) The cost of the instructional support services, such 818
as services provided by a speech-language pathologist, classroom 819
aide, multimedia aide, or librarian, provided directly to 820
students in conjunction with each instructional services 821
category; 822

(c) The cost of the administrative support services 823
related to each instructional services category, such as the 824
cost of personnel that develop the curriculum for the 825
instructional services category and the cost of personnel 826
supervising or coordinating the delivery of the instructional 827
services category. 828

(4) Support or extracurricular services costs for each 829
category of service directly provided to students and required 830
by guidelines adopted pursuant to division (B) (1) (b) of this 831
section. The guidelines shall require the cost units under 832
division (C) (4) of this section to be designed so that each of 833
them may be compiled and reported in terms of average 834
expenditure per pupil receiving the service in the school 835
district as a whole and average expenditure per pupil receiving 836
the service in each building in the school district and in terms 837
of a total cost for each category of service and, as a breakdown 838
of the total cost, a cost for each of the following components: 839

(a) The cost of each support or extracurricular services 840
category required by guidelines adopted under division (B) (1) (b) 841
of this section that is provided directly to students by a 842
licensed employee, such as services provided by a guidance 843

counselor or any services provided by a licensed employee under 844
a supplemental contract; 845

(b) The cost of each such services category provided 846
directly to students by a nonlicensed employee, such as 847
janitorial services, cafeteria services, or services of a sports 848
trainer; 849

(c) The cost of the administrative services related to 850
each services category in division (C) (4) (a) or (b) of this 851
section, such as the cost of any licensed or nonlicensed 852
employees that develop, supervise, coordinate, or otherwise are 853
involved in administering or aiding the delivery of each 854
services category. 855

(D) (1) The guidelines adopted under this section shall 856
require school districts to collect information about individual 857
students, staff members, or both in connection with any data 858
required by division (B) or (C) of this section or other 859
reporting requirements established in the Revised Code. The 860
guidelines may also require school districts to report 861
information about individual staff members in connection with 862
any data required by division (B) or (C) of this section or 863
other reporting requirements established in the Revised Code. 864
The guidelines shall not authorize school districts to request 865
social security numbers of individual students. The guidelines 866
shall prohibit the reporting under this section of a student's 867
name, address, and social security number to the state board of 868
education or the department of education. The guidelines shall 869
also prohibit the reporting under this section of any personally 870
identifiable information about any student, except for the 871
purpose of assigning the data verification code required by 872
division (D) (2) of this section, to any other person unless such 873

person is employed by the school district or the information 874
technology center operated under section 3301.075 of the Revised 875
Code and is authorized by the district or technology center to 876
have access to such information or is employed by an entity with 877
which the department contracts for the scoring or the 878
development of state assessments. The guidelines may require 879
school districts to provide the social security numbers of 880
individual staff members and the county of residence for a 881
student. Nothing in this section prohibits the state board of 882
education or department of education from providing a student's 883
county of residence to the department of taxation to facilitate 884
the distribution of tax revenue. 885

(2) (a) The guidelines shall provide for each school 886
district or community school to assign a data verification code 887
that is unique on a statewide basis over time to each student 888
whose initial Ohio enrollment is in that district or school and 889
to report all required individual student data for that student 890
utilizing such code. The guidelines shall also provide for 891
assigning data verification codes to all students enrolled in 892
districts or community schools on the effective date of the 893
guidelines established under this section. The assignment of 894
data verification codes for other entities, as described in 895
division (D) (2) (d) of this section, the use of those codes, and 896
the reporting and use of associated individual student data 897
shall be coordinated by the department in accordance with state 898
and federal law. 899

School districts shall report individual student data to 900
the department through the information technology centers 901
utilizing the code. The entities described in division (D) (2) (d) 902
of this section shall report individual student data to the 903
department in the manner prescribed by the department. 904

(b) (i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and in division (D) (2) (b) (ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under division (C) of section 3314.08 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C)

of this section for the purpose of complying with other 935
reporting requirements established in the Revised Code. The 936
other data, information, or reports may be maintained in the 937
education management information system but are not required to 938
be compiled as part of the profile formats required under 939
division (G) of this section or the annual statewide report 940
required under division (H) of this section. 941

(F) Beginning with the school year that begins July 1, 942
1991, the board of education of each school district shall 943
annually collect and report to the state board, in accordance 944
with the guidelines established by the board, the data required 945
pursuant to this section. A school district may collect and 946
report these data notwithstanding section 2151.357 or 3319.321 947
of the Revised Code. 948

(G) The state board shall, in accordance with the 949
procedures it adopts, annually compile the data reported by each 950
school district pursuant to division (D) of this section. The 951
state board shall design formats for profiling each school 952
district as a whole and each school building within each 953
district and shall compile the data in accordance with these 954
formats. These profile formats shall: 955

(1) Include all of the data gathered under this section in 956
a manner that facilitates comparison among school districts and 957
among school buildings within each school district; 958

(2) Present the data on academic achievement levels as 959
assessed by the testing of student achievement maintained 960
pursuant to division (B) (1) (d) of this section. 961

(H) (1) The state board shall, in accordance with the 962
procedures it adopts, annually prepare a statewide report for 963

all school districts and the general public that includes the 964
profile of each of the school districts developed pursuant to 965
division (G) of this section. Copies of the report shall be sent 966
to each school district. 967

(2) The state board shall, in accordance with the 968
procedures it adopts, annually prepare an individual report for 969
each school district and the general public that includes the 970
profiles of each of the school buildings in that school district 971
developed pursuant to division (G) of this section. Copies of 972
the report shall be sent to the superintendent of the district 973
and to each member of the district board of education. 974

(3) Copies of the reports received from the state board 975
under divisions (H) (1) and (2) of this section shall be made 976
available to the general public at each school district's 977
offices. Each district board of education shall make copies of 978
each report available to any person upon request and payment of 979
a reasonable fee for the cost of reproducing the report. The 980
board shall annually publish in a newspaper of general 981
circulation in the school district, at least twice during the 982
two weeks prior to the week in which the reports will first be 983
available, a notice containing the address where the reports are 984
available and the date on which the reports will be available. 985

(I) Any data that is collected or maintained pursuant to 986
this section and that identifies an individual pupil is not a 987
public record for the purposes of section 149.43 of the Revised 988
Code. 989

(J) As used in this section: 990

(1) "School district" means any city, local, exempted 991
village, or joint vocational school district and, in accordance 992

with section 3314.17 of the Revised Code, any community school. 993
As used in division (L) of this section, "school district" also 994
includes any educational service center or other educational 995
entity required to submit data using the system established 996
under this section. 997

(2) "Cost" means any expenditure for operating expenses 998
made by a school district excluding any expenditures for debt 999
retirement except for payments made to any commercial lending 1000
institution for any loan approved pursuant to section 3313.483 1001
of the Revised Code. 1002

(K) Any person who removes data from the information 1003
system established under this section for the purpose of 1004
releasing it to any person not entitled under law to have access 1005
to such information is subject to section 2913.42 of the Revised 1006
Code prohibiting tampering with data. 1007

(L) (1) In accordance with division (L) (2) of this section 1008
and the rules adopted under division (L) (10) of this section, 1009
the department of education may sanction any school district 1010
that reports incomplete or inaccurate data, reports data that 1011
does not conform to data requirements and descriptions published 1012
by the department, fails to report data in a timely manner, or 1013
otherwise does not make a good faith effort to report data as 1014
required by this section. 1015

(2) If the department decides to sanction a school 1016
district under this division, the department shall take the 1017
following sequential actions: 1018

(a) Notify the district in writing that the department has 1019
determined that data has not been reported as required under 1020
this section and require the district to review its data 1021

submission and submit corrected data by a deadline established 1022
by the department. The department also may require the district 1023
to develop a corrective action plan, which shall include 1024
provisions for the district to provide mandatory staff training 1025
on data reporting procedures. 1026

(b) Withhold up to ten per cent of the total amount of 1027
state funds due to the district for the current fiscal year and, 1028
if not previously required under division (L) (2) (a) of this 1029
section, require the district to develop a corrective action 1030
plan in accordance with that division; 1031

(c) Withhold an additional amount of up to twenty per cent 1032
of the total amount of state funds due to the district for the 1033
current fiscal year; 1034

(d) Direct department staff or an outside entity to 1035
investigate the district's data reporting practices and make 1036
recommendations for subsequent actions. The recommendations may 1037
include one or more of the following actions: 1038

(i) Arrange for an audit of the district's data reporting 1039
practices by department staff or an outside entity; 1040

(ii) Conduct a site visit and evaluation of the district; 1041

(iii) Withhold an additional amount of up to thirty per 1042
cent of the total amount of state funds due to the district for 1043
the current fiscal year; 1044

(iv) Continue monitoring the district's data reporting; 1045

(v) Assign department staff to supervise the district's 1046
data management system; 1047

(vi) Conduct an investigation to determine whether to 1048
suspend or revoke the license of any district employee in 1049

accordance with division (N) of this section; 1050

(vii) If the district is issued a report card under 1051
section 3302.03 of the Revised Code, indicate on the report card 1052
that the district has been sanctioned for failing to report data 1053
as required by this section; 1054

(viii) If the district is issued a report card under 1055
section 3302.03 or 3302.032 of the Revised Code and incomplete 1056
or inaccurate data submitted by the district likely caused the 1057
district to receive a higher performance rating than it deserved 1058
under that section, issue a revised report card for the 1059
district; 1060

(ix) Any other action designed to correct the district's 1061
data reporting problems. 1062

(3) Any time the department takes an action against a 1063
school district under division (L) (2) of this section, the 1064
department shall make a report of the circumstances that 1065
prompted the action. The department shall send a copy of the 1066
report to the district superintendent or chief administrator and 1067
maintain a copy of the report in its files. 1068

(4) If any action taken under division (L) (2) of this 1069
section resolves a school district's data reporting problems to 1070
the department's satisfaction, the department shall not take any 1071
further actions described by that division. If the department 1072
withheld funds from the district under that division, the 1073
department may release those funds to the district, except that 1074
if the department withheld funding under division (L) (2) (c) of 1075
this section, the department shall not release the funds 1076
withheld under division (L) (2) (b) of this section and, if the 1077
department withheld funding under division (L) (2) (d) of this 1078

section, the department shall not release the funds withheld 1079
under division (L) (2) (b) or (c) of this section. 1080

(5) Notwithstanding anything in this section to the 1081
contrary, the department may use its own staff or an outside 1082
entity to conduct an audit of a school district's data reporting 1083
practices any time the department has reason to believe the 1084
district has not made a good faith effort to report data as 1085
required by this section. If any audit conducted by an outside 1086
entity under division (L) (2) (d) (i) or (5) of this section 1087
confirms that a district has not made a good faith effort to 1088
report data as required by this section, the district shall 1089
reimburse the department for the full cost of the audit. The 1090
department may withhold state funds due to the district for this 1091
purpose. 1092

(6) Prior to issuing a revised report card for a school 1093
district under division (L) (2) (d) (viii) of this section, the 1094
department may hold a hearing to provide the district with an 1095
opportunity to demonstrate that it made a good faith effort to 1096
report data as required by this section. The hearing shall be 1097
conducted by a referee appointed by the department. Based on the 1098
information provided in the hearing, the referee shall recommend 1099
whether the department should issue a revised report card for 1100
the district. If the referee affirms the department's contention 1101
that the district did not make a good faith effort to report 1102
data as required by this section, the district shall bear the 1103
full cost of conducting the hearing and of issuing any revised 1104
report card. 1105

(7) If the department determines that any inaccurate data 1106
reported under this section caused a school district to receive 1107
excess state funds in any fiscal year, the district shall 1108

reimburse the department an amount equal to the excess funds, in 1109
accordance with a payment schedule determined by the department. 1110
The department may withhold state funds due to the district for 1111
this purpose. 1112

(8) Any school district that has funds withheld under 1113
division (L) (2) of this section may appeal the withholding in 1114
accordance with Chapter 119. of the Revised Code. 1115

(9) In all cases of a disagreement between the department 1116
and a school district regarding the appropriateness of an action 1117
taken under division (L) (2) of this section, the burden of proof 1118
shall be on the district to demonstrate that it made a good 1119
faith effort to report data as required by this section. 1120

(10) The state board of education shall adopt rules under 1121
Chapter 119. of the Revised Code to implement division (L) of 1122
this section. 1123

(M) No information technology center or school district 1124
shall acquire, change, or update its student administration 1125
software package to manage and report data required to be 1126
reported to the department unless it converts to a student 1127
software package that is certified by the department. 1128

(N) The state board of education, in accordance with 1129
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1130
or revoke a license as defined under division (A) of section 1131
3319.31 of the Revised Code that has been issued to any school 1132
district employee found to have willfully reported erroneous, 1133
inaccurate, or incomplete data to the education management 1134
information system. 1135

(O) No person shall release or maintain any information 1136
about any student in violation of this section. Whoever violates 1137

this division is guilty of a misdemeanor of the fourth degree. 1138

(P) The department shall disaggregate the data collected 1139
under division (B) (1) (n) of this section according to the race 1140
and socioeconomic status of the students assessed. 1141

(Q) If the department cannot compile any of the 1142
information required by section 3302.03 and division (H) of 1143
section 3302.03-3302.032 of the Revised Code based upon the data 1144
collected under this section, the department shall develop a 1145
plan and a reasonable timeline for the collection of any data 1146
necessary to comply with that division. 1147

Sec. 3301.0715. (A) Except as required under division (B) 1148
(1) of section 3313.608 or as specified in division (D) (3) of 1149
section 3301.079 of the Revised Code, the board of education of 1150
each city, local, and exempted village school district shall 1151
administer each applicable diagnostic assessment developed and 1152
provided to the district in accordance with section 3301.079 of 1153
the Revised Code to the following: 1154

(1) Any student who transfers into the district or to a 1155
different school within the district if each applicable 1156
diagnostic assessment was not administered by the district or 1157
school the student previously attended in the current school 1158
year, within thirty days after the date of transfer. If the 1159
district or school into which the student transfers cannot 1160
determine whether the student has taken any applicable 1161
diagnostic assessment in the current school year, the district 1162
or school may administer the diagnostic assessment to the 1163
student. However, if a student transfers into the district prior 1164
to the administration of the diagnostic assessments to all 1165
students under division (B) of this section, the district may 1166
administer the diagnostic assessments to that student on the 1167

date or dates determined under that division. 1168

(2) Each kindergarten student, not earlier than the first 1169
day of the school year and not later than the first day of 1170
November. However, a board of education may administer the 1171
selected response and performance task items portion of the 1172
diagnostic assessment up to two weeks prior to the first day of 1173
the school year. 1174

For the purpose of division (A) (2) of this section, the 1175
district shall administer the kindergarten readiness assessment 1176
provided by the department of education. In no case shall the 1177
results of the readiness assessment be used to prohibit a 1178
student from enrolling in kindergarten. 1179

(3) Each student enrolled in first, second, or third 1180
grade. 1181

Division (A) of this section does not apply to students 1182
with significant cognitive disabilities, as defined by the 1183
department of education. 1184

(B) Each district board shall administer each diagnostic 1185
assessment when the board deems appropriate, provided the 1186
administration complies with section 3313.608 of the Revised 1187
Code. However, the board shall administer any diagnostic 1188
assessment at least once annually to all students in the 1189
appropriate grade level. A district board may administer any 1190
diagnostic assessment in the fall and spring of a school year to 1191
measure the amount of academic growth attributable to the 1192
instruction received by students during that school year. 1193

(C) Any district that received a grade of "A" or "B" for 1194
the performance index score under division (A) (1) (b), (B) (1) (b), 1195
or (C) (1) (b) of section ~~3302.03~~ 3302.032 of the Revised Code or 1196

for the value-added progress dimension under division (A) (1) (e), 1197
(B) (1) (e), or (C) (1) (e) of section ~~3302.03~~ 3302.032 of the 1198
Revised Code for the immediately preceding school year may use 1199
different diagnostic assessments from those adopted under 1200
division (D) of section 3301.079 of the Revised Code in order to 1201
satisfy the requirements of division (A) (3) of this section. 1202

(D) Each district board shall utilize and score any 1203
diagnostic assessment administered under division (A) of this 1204
section in accordance with rules established by the department. 1205
After the administration of any diagnostic assessment, each 1206
district shall provide a student's completed diagnostic 1207
assessment, the results of such assessment, and any other 1208
accompanying documents used during the administration of the 1209
assessment to the parent of that student, and shall include all 1210
such documents and information in any plan developed for the 1211
student under division (C) of section 3313.608 of the Revised 1212
Code. Each district shall submit to the department, in the 1213
manner the department prescribes, the results of the diagnostic 1214
assessments administered under this section, regardless of the 1215
type of assessment used under section 3313.608 of the Revised 1216
Code. The department may issue reports with respect to the data 1217
collected. The department may report school and district level 1218
kindergarten diagnostic assessment data and use diagnostic 1219
assessment data to calculate the measure prescribed by divisions 1220
(B) (1) (g) and (C) (1) (g) of section ~~3302.03~~ 3302.032 of the 1221
Revised Code. 1222

(E) Each district board shall provide intervention 1223
services to students whose diagnostic assessments show that they 1224
are failing to make satisfactory progress toward attaining the 1225
academic standards for their grade level. 1226

(F) Beginning in the 2018-2019 school year, any chartered
nonpublic school may elect to administer the kindergarten
readiness assessment to all kindergarten students enrolled in
the school. If the school so elects, the chief administrator of
the school shall notify the superintendent of public instruction
not later than the thirty-first day of March prior to any school
year in which the school will administer the assessment. The
department shall furnish the assessment to the school at no cost
to the school. In administering the assessment, the school shall
do all of the following:

(1) Enter into a written agreement with the department
specifying that the school will share each participating
student's assessment data with the department and, that for the
purpose of reporting the data to the department, each
participating student will be assigned a data verification code
as described in division (D) (2) of section 3301.0714 of the
Revised Code;

(2) Require the assessment to be administered by a teacher
certified under section 3301.071 of the Revised Code who either
has completed training on administering the kindergarten
readiness assessment provided by the department or has been
trained by another person who has completed such training;

(3) Administer the assessment in the same manner as school
districts are required to do under this section and the rules
established under division (D) of this section.

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of
the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is

operated by a school district board of education or an eligible
nonpublic school. 1256
1257

(2) A child care program for preschool children age three 1258
or older that is operated by a county board of developmental 1259
disabilities or a community school. 1260

(B) "Preschool child" or "child" means a child who has not 1261
entered kindergarten and is not of compulsory school age. 1262

(C) "Parent, guardian, or custodian" means the person or 1263
government agency that is or will be responsible for a child's 1264
school attendance under section 3321.01 of the Revised Code. 1265

(D) "Superintendent" means the superintendent of a school 1266
district or the chief administrative officer of a community 1267
school or an eligible nonpublic school. 1268

(E) "Director" means the director, head teacher, 1269
elementary principal, or site administrator who is the 1270
individual on site and responsible for supervision of a 1271
preschool program. 1272

(F) "Preschool staff member" means a preschool employee 1273
whose primary responsibility is care, teaching, or supervision 1274
of preschool children. 1275

(G) "Nonteaching employee" means a preschool program or 1276
school child program employee whose primary responsibilities are 1277
duties other than care, teaching, and supervision of preschool 1278
children or school children. 1279

(H) "Eligible nonpublic school" means a nonpublic school 1280
chartered as described in division (B) (8) of section 5104.02 of 1281
the Revised Code or chartered by the state board of education 1282
for any combination of grades one through twelve, regardless of 1283

whether it also offers kindergarten. 1284

(I) "School child program" means a child care program for 1285
only school children that is operated by a school district board 1286
of education, county board of developmental disabilities, 1287
community school, or eligible nonpublic school. 1288

(J) "School child" means a child who is enrolled in or is 1289
eligible to be enrolled in a grade of kindergarten or above but 1290
is less than fifteen years old. 1291

(K) "School child program staff member" means an employee 1292
whose primary responsibility is the care, teaching, or 1293
supervision of children in a school child program. 1294

(L) "Child care" means administering to the needs of 1295
infants, toddlers, preschool children, and school children 1296
outside of school hours by persons other than their parents or 1297
guardians, custodians, or relatives by blood, marriage, or 1298
adoption for any part of the twenty-four-hour day in a place or 1299
residence other than a child's own home. 1300

(M) "Child day-care center," "publicly funded child care," 1301
and "school-age child care center" have the same meanings as in 1302
section 5104.01 of the Revised Code. 1303

(N) "Community school" means either of the following: 1304

(1) A community school established under Chapter 3314. of 1305
the Revised Code that is sponsored by an entity that is rated 1306
"exemplary" under section 3314.016 of the Revised Code. 1307

(2) A community school established under Chapter 3314. of 1308
the Revised Code that has received, on its most recent report 1309
card, either of the following: 1310

(a) If the school offers any of grade levels four through 1311

twelve, a grade of "C" or better for the overall value-added
progress dimension under division (C) (1) (e) of section ~~3302.03~~
3302.032 of the Revised Code and for the performance index score
under division (C) (1) (b) of section ~~3302.03~~ 3302.032 of the
Revised Code;

(b) If the school does not offer a grade level higher than
three, a grade of "C" or better for making progress in improving
literacy in grades kindergarten through three under division (C)
(1) (g) of section ~~3302.03~~ 3302.032 of the Revised Code.

Sec. 3301.81. (A) A person who meets all of the following
criteria shall be permitted to take a high school equivalency
test approved by the department of education pursuant to
division (B) of section 3301.80 of the Revised Code:

(1) The person is at least eighteen years of age.

(2) The person is officially withdrawn from school.

(3) The person has not received a high school diploma or
honors diploma awarded under section 3313.61, 3313.611,
3313.612, or 3325.08 of the Revised Code.

(B) A person who is at least sixteen years of age but less
than eighteen years of age may apply to the department to take
an approved equivalency test, so long as the person meets all of
the following criteria:

(1) The person has not received a high school diploma or
honors diploma awarded under section 3313.61, 3313.611,
3313.612, or 3325.08 of the Revised Code.

(2) The person is officially withdrawn from school.

(3) The person submits, along with the application,
written approval from the person's parent or guardian or a court

official. 1340

(C) For the purpose of calculating graduation rates for 1341
the school district and building report cards under ~~section~~ 1342
sections 3302.03 and 3302.032 of the Revised Code, the 1343
department shall count any person who officially withdraws from 1344
school to take an approved equivalency test under this section 1345
as a dropout from the district or school in which the person was 1346
last enrolled. 1347

(D) If a person takes an approved equivalency test and 1348
fails to attain the scores required to earn a certificate of 1349
high school equivalence, as defined in section 5107.40 of the 1350
Revised Code, on the entire battery of tests, that person shall 1351
be required to retake only the specific test on which the person 1352
did not attain a passing score in order to earn a certificate of 1353
high school equivalence. If a person retakes a specific test, 1354
that person shall be responsible only for the cost of that test 1355
and not for the cost of the entire battery of tests, unless that 1356
person is retaking the entire battery. 1357

Sec. 3302.01. As used in this chapter: 1358

(A) "Performance index score" means the average of the 1359
totals derived from calculations, for each subject area, of the 1360
weighted proportion of untested students and students scoring at 1361
each level of skill described in division (A) (2) of section 1362
3301.0710 of the Revised Code on the state achievement 1363
assessments, as follows: 1364

(1) For the assessments prescribed by division (A) (1) of 1365
section 3301.0710 of the Revised Code, the average for each of 1366
the subject areas of English language arts, mathematics, and 1367
science. 1368

(2) For the assessments prescribed by division (B) (1) of 1369
section 3301.0710 and division (B) (2) of section 3301.0712 of 1370
the Revised Code, the average for each of the subject areas of 1371
English language arts and mathematics. 1372

The department of education shall assign weights such that 1373
students who do not take an assessment receive a weight of zero 1374
and students who take an assessment receive progressively larger 1375
weights dependent upon the level of skill attained on the 1376
assessment. The department shall assign additional weights to 1377
students who have been permitted to pass over a subject in 1378
accordance with a student acceleration policy adopted under 1379
section 3324.10 of the Revised Code. If such a student attains 1380
the proficient score prescribed under division (A) (2) (c) of 1381
section 3301.0710 of the Revised Code or higher on an 1382
assessment, the department shall assign the student the weight 1383
prescribed for the next higher scoring level. If such a student 1384
attains the advanced score, prescribed under division (A) (2) (a) 1385
of section 3301.0710 of the Revised Code, on an assessment, the 1386
department shall assign to the student an additional 1387
proportional weight, as approved by the state board. For each 1388
school year that such a student's score is included in the 1389
performance index score and the student attains the proficient 1390
score on an assessment, that additional weight shall be assigned 1391
to the student on a subject-by-subject basis. 1392

Students shall be included in the "performance index 1393
score" in accordance with division (K) (2) of section ~~3302.03~~ 1394
3302.032 of the Revised Code. 1395

(B) "Subgroup" means a subset of the entire student 1396
population of the state, a school district, or a school building 1397
and includes each of the following: 1398

(1) Major racial and ethnic groups;	1399
(2) Students with disabilities;	1400
(3) Economically disadvantaged students;	1401
(4) Limited English proficient students;	1402
(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.	1403 1404 1405 1406 1407 1408 1409 1410
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	1411 1412 1413
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	1414 1415 1416 1417 1418 1419
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	1420 1421 1422
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department	1423 1424 1425 1426

in accordance with the "No Child Left Behind Act of 2001." 1427

(F) "Value-added progress dimension" means a measure of 1428
academic gain for a student or group of students over a specific 1429
period of time that is calculated by applying a statistical 1430
methodology to individual student achievement data derived from 1431
the achievement assessments prescribed by section 3301.0710 of 1432
the Revised Code. The "value-added progress dimension" shall be 1433
developed and implemented in accordance with section 3302.021 of 1434
the Revised Code. 1435

(G) (1) "Four-year adjusted cohort graduation rate" means 1436
the number of students who graduate in four years or less with a 1437
regular high school diploma divided by the number of students 1438
who form the adjusted cohort for the graduating class. 1439

(2) "Five-year adjusted cohort graduation rate" means the 1440
number of students who graduate in five years with a regular 1441
high school diploma divided by the number of students who form 1442
the adjusted cohort for the four-year graduation rate. 1443

(H) "State institution of higher education" has the same 1444
meaning as in section 3345.011 of the Revised Code. 1445

(I) "Annual measurable objectives" means a measure of 1446
student progress determined in accordance with an agreement 1447
between the department of education and the United States 1448
department of education. 1449

(J) "Community school" means a community school 1450
established under Chapter 3314. of the Revised Code. 1451

(K) "STEM school" means a science, technology, 1452
engineering, and mathematics school established under Chapter 1453
3326. of the Revised Code. 1454

(L) "Entitled to attend school in the district" means 1455
entitled to attend school in a school district under section 1456
3313.64 or 3313.65 of the Revised Code. 1457

Sec. 3302.02. Not later than one year after the adoption 1458
of rules under division (D) of section 3301.0712 of the Revised 1459
Code and at least every sixth year thereafter, upon 1460
recommendations of the superintendent of public instruction, the 1461
state board of education shall establish a set of performance 1462
indicators that considered as a unit will be used as one of the 1463
performance categories for the report cards required by ~~section~~ 1464
sections 3302.03 and 3302.032 of the Revised Code. In 1465
establishing these indicators, the superintendent shall consider 1466
inclusion of student performance on assessments prescribed under 1467
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1468
student improvement on such assessments, the breadth of 1469
coursework available within the district, and other indicators 1470
of student success. 1471

Beginning with the report card for the 2014-2015 school 1472
year, the performance indicators shall include an indicator that 1473
reflects the level of services provided to, and the performance 1474
of, students identified as gifted under Chapter 3324. of the 1475
Revised Code. The indicator shall include the performance of 1476
students identified as gifted on state assessments and value- 1477
added growth measure disaggregated for students identified as 1478
gifted. 1479

For the 2013-2014 school year, except as otherwise 1480
provided in this section, for any indicator based on the 1481
percentage of students attaining a proficient score on the 1482
assessments prescribed by divisions (A) and (B)(1) of section 1483
3301.0710 of the Revised Code, a school district or building 1484

shall be considered to have met the indicator if at least eighty 1485
per cent of the tested students attain a score of proficient or 1486
higher on the assessment. A school district or building shall be 1487
considered to have met the indicator for the assessments 1488
prescribed by division (B)(1) of section 3301.0710 of the 1489
Revised Code and only as administered to eleventh grade 1490
students, if at least eighty-five per cent of the tested 1491
students attain a score of proficient or higher on the 1492
assessment. 1493

The state board shall adopt rules, under Chapter 119. of 1494
the Revised Code, to establish proficiency percentages to meet 1495
each indicator that is based on a state assessment, prescribed 1496
under section 3301.0710 or 3301.0712 of the Revised Code, for 1497
the 2014-2015 school year and thereafter by the following dates: 1498

(A) Not later than December 31, 2015, for the 2014-2015 1499
school year; 1500

(B) Not later than July 1, 2016, for the 2015-2016 school 1501
year; 1502

(C) Not later than July 1, 2017, for the 2016-2017 school 1503
year, and for each school year thereafter. 1504

Sec. 3302.03. (A) Annually, not later than the fifteenth 1505
day of September or the preceding Friday when that day falls on 1506
a Saturday or Sunday, the department of education shall issue a 1507
report card of student performance and other measures for each 1508
school district and each school building in a district in 1509
accordance with this section. For a school building to which any 1510
of the measures do not apply, due to grade levels served by the 1511
building, the state board shall designate the measures that are 1512
applicable to the building and that must be calculated 1513

separately. The department shall include on the report card for 1514
each district and each building within each district the most 1515
recent five-year trend data on the reported measures. 1516

(B) The department shall include the following categories 1517
and measures on the report card for each district and building 1518
all of the following student data disaggregated by the 1519
categories listed under division (C) of this section: 1520

(1) State test results. This measure shall convey the 1521
results of the state assessments required under sections 1522
3301.0710 and 3301.0712 of the Revised Code. 1523

(2) Graduation rates. This measure shall include all of 1524
the following: 1525

(a) The four- and five-year adjusted cohort graduation 1526
rates; 1527

(b) The percentage of students who graduate in the year 1528
for which the report card is issued who are: 1529

(i) Admitted to a four-year institution of higher 1530
education; 1531

(ii) Admitted to a two-year institution of higher 1532
education; 1533

(iii) Gainfully employed, as determined by the department, 1534
or in an apprenticeship program; 1535

(iv) Unemployed and not enrolled in an institution of 1536
higher education or in an apprenticeship program within one year 1537
of graduation. 1538

(3) Student growth. This measure shall convey the amount a 1539
student learns in one school year. This measure shall include an 1540

explanation of the factors that influence student growth beyond 1541
the classroom, including parental and community influence and 1542
student attitude. 1543

The value-added progress dimension measure shall not be 1544
used to compute student growth. 1545

(4) Gap closing for vulnerable populations. This measure 1546
shall include a graphic representation that depicts comparative 1547
trends of state, district, and building performance for 1548
vulnerable populations. 1549

(5) Kindergarten through third-grade literacy. A district 1550
or building's kindergarten through third-grade literacy measure 1551
shall be student performance and percentage of students who are 1552
retained under the third-grade reading guarantee under section 1553
3313.608 of the Revised Code. 1554

(6) College or career-readiness. This measure shall 1555
include all of the following: 1556

(a) The percentage of students enrolled in a district or 1557
building who have taken a national standardized test used for 1558
college admission determinations and the percentage of those 1559
students who are determined to be remediation-free in accordance 1560
with standards adopted under division (F) of section 3345.061 of 1561
the Revised Code; 1562

(b) The percentage of the district's or the building's 1563
students who receive at least twelve points of industry- 1564
recognized credentials as approved under section 3313.6113 of 1565
the Revised Code; 1566

(c) The average amount of advanced placement class credit 1567
earned per student; 1568

(d) The average scores on advanced placement tests by 1569
subject; 1570

(e) The average scores on international baccalaureate 1571
assessments by subject; 1572

(f) The average amount of college credits earned per 1573
student under the college credit plus program under Chapter 1574
3365. of the Revised Code. 1575

(7) Enrichment and support measures. This measure shall 1576
include the total number and number per one hundred students for 1577
all of the following; 1578

(a) Kindergarten through third grade reading intervention 1579
specialists; 1580

(b) School librarians; 1581

(c) Art teachers; 1582

(d) Music teachers; 1583

(e) Advanced placement courses offered. 1584

The department also shall report the number of buildings 1585
per district that do not have or offer the teachers of courses 1586
listed in division (B) (7) of this section. 1587

(C) When reporting data on student achievement and 1588
progress, the department shall disaggregate that data according 1589
to the following categories; 1590

(1) Performance of students by grade-level; 1591

(2) Performance of students by race and ethnic group; 1592

(3) Performance of students by gender; 1593

(4) Performance of students grouped by those who have been 1594

<u>enrolled in a district or school for three or more years;</u>	1595
<u>(5) Performance of students grouped by those who have been</u>	1596
<u>enrolled in a district or school for more than one year and less</u>	1597
<u>than three years;</u>	1598
<u>(6) Performance of students grouped by those who have been</u>	1599
<u>enrolled in a district or school for one year or less;</u>	1600
<u>(7) Performance of students grouped by those who are</u>	1601
<u>economically disadvantaged;</u>	1602
<u>(8) Performance of students grouped by those who are</u>	1603
<u>enrolled in a conversion community school established under</u>	1604
<u>Chapter 3314. of the Revised Code;</u>	1605
<u>(9) Performance of students grouped by those who are</u>	1606
<u>classified as limited English proficient;</u>	1607
<u>(10) Performance of students grouped by those who have</u>	1608
<u>disabilities;</u>	1609
<u>(11) Performance of students grouped by those who are</u>	1610
<u>classified as migrants;</u>	1611
<u>(12) Performance of students grouped by those who are</u>	1612
<u>identified as gifted in superior cognitive ability and the</u>	1613
<u>specific academic ability fields of reading and math pursuant to</u>	1614
<u>Chapter 3324. of the Revised Code. In disaggregating specific</u>	1615
<u>academic ability fields for gifted students, the department</u>	1616
<u>shall use data for those students with specific academic ability</u>	1617
<u>in math and reading. If any other academic field is assessed,</u>	1618
<u>the department shall also include data for students with</u>	1619
<u>specific academic ability in that field.</u>	1620
<u>(13) Performance of students grouped by those who perform</u>	1621
<u>in the lowest quintile for achievement on a statewide basis, as</u>	1622

determined by a method prescribed by the state board of 1623
education. 1624

The department may disaggregate data on student 1625
performance according to other categories that the department 1626
determines are appropriate. To the extent possible, the 1627
department shall disaggregate data on student performance 1628
according to any combination of two or more of the categories 1629
listed in divisions (C) (1) to (13) of this section that it deems 1630
relevant. 1631

In reporting data pursuant to division (C) of this 1632
section, the department shall not include in the report cards 1633
any data statistical in nature that is statistically unreliable 1634
or that could result in the identification of individual 1635
students. For this purpose, the department shall not report 1636
student performance data for any group identified in division 1637
(C) of this section that contains less than ten students. If the 1638
department does not report student performance data for a group 1639
because it contains less than ten students, the department shall 1640
indicate on the report card that is why data was not reported. 1641

(D) The department shall present the measures in division 1642
(B) of this section in the following formats: 1643

(1) The district or building's raw score on the measure; 1644
(2) The district or building's percentile ranking relative 1645
to other districts or buildings in the state. 1646

(E) The department shall disclose the methodology it uses 1647
to determine any score on a district or building's report card. 1648

(F) The report card shall include both of the following: 1649

(1) A statement that gives information on proven actions 1650

parents may take to help to influence better outcomes on 1651
assessments such as reading at home and parental expectations; 1652

(2) A list of all extra-curricular or additional 1653
activities offered by and available at the district or building. 1654

~~Sec. 3302.03~~ 3302.032. Notwithstanding anything in the 1655
Revised Code to the contrary, this section shall be used only 1656
for purposes of implementing provisions of the law that are 1657
affiliated with or affected by the issuance of report card 1658
letter grades prescribed under this section. The letter grades 1659
or ratings issued under this section shall not be presented on 1660
the state report cards prescribed under section 3302.03 of the 1661
Revised Code. 1662

Annually, not later than the fifteenth day of September or 1663
the preceding Friday when that day falls on a Saturday or 1664
Sunday, the department of education shall assign a letter grade 1665
for overall academic performance and for each separate 1666
performance measure for each school district, and each school 1667
building in a district, in accordance with this section. The 1668
state board shall adopt rules pursuant to Chapter 119. of the 1669
Revised Code to establish performance criteria for each letter 1670
grade and prescribe a method by which the department assigns 1671
each letter grade. For a school building to which any of the 1672
performance measures do not apply, due to grade levels served by 1673
the building, the state board shall designate the performance 1674
measures that are applicable to the building and that must be 1675
calculated separately and used to calculate the building's 1676
overall grade. The department shall issue annual report cards 1677
reflecting the performance of each school district, each 1678
building within each district, and for the state as a whole 1679
using the performance measures and letter grade system described 1680

in this section. The department shall include on the report card 1681
for each district and each building within each district the 1682
most recent two-year trend data in student achievement for each 1683
subject and each grade. 1684

(A) (1) For the 2012-2013 school year, the department shall 1685
issue grades as described in division (E) of this section for 1686
each of the following performance measures: 1687

(a) Annual measurable objectives; 1688

(b) Performance index score for a school district or 1689
building. Grades shall be awarded as a percentage of the total 1690
possible points on the performance index system as adopted by 1691
the state board. In adopting benchmarks for assigning letter 1692
grades under division (A) (1) (b) of this section, the state board 1693
of education shall designate ninety per cent or higher for an 1694
"A," at least seventy per cent but not more than eighty per cent 1695
for a "C," and less than fifty per cent for an "F." 1696

(c) The extent to which the school district or building 1697
meets each of the applicable performance indicators established 1698
by the state board under section 3302.02 of the Revised Code and 1699
the percentage of applicable performance indicators that have 1700
been achieved. In adopting benchmarks for assigning letter 1701
grades under division (A) (1) (c) of this section, the state board 1702
shall designate ninety per cent or higher for an "A." 1703

(d) The four- and five-year adjusted cohort graduation 1704
rates. 1705

In adopting benchmarks for assigning letter grades under 1706
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1707
department shall designate a four-year adjusted cohort 1708
graduation rate of ninety-three per cent or higher for an "A" 1709

and a five-year cohort graduation rate of ninety-five per cent 1710
or higher for an "A." 1711

(e) The overall score under the value-added progress 1712
dimension of a school district or building, for which the 1713
department shall use up to three years of value-added data as 1714
available. The letter grade assigned for this growth measure 1715
shall be as follows: 1716

(i) A score that is at least two standard errors of 1717
measure above the mean score shall be designated as an "A." 1718

(ii) A score that is at least one standard error of 1719
measure but less than two standard errors of measure above the 1720
mean score shall be designated as a "B." 1721

(iii) A score that is less than one standard error of 1722
measure above the mean score but greater than or equal to one 1723
standard error of measure below the mean score shall be 1724
designated as a "C." 1725

(iv) A score that is not greater than one standard error 1726
of measure below the mean score but is greater than or equal to 1727
two standard errors of measure below the mean score shall be 1728
designated as a "D." 1729

(v) A score that is not greater than two standard errors 1730
of measure below the mean score shall be designated as an "F." 1731

Whenever the value-added progress dimension is used as a 1732
graded performance measure, whether as an overall measure or as 1733
a measure of separate subgroups, the grades for the measure 1734
shall be calculated in the same manner as prescribed in division 1735
(A) (1) (e) of this section. 1736

(f) The value-added progress dimension score for a school 1737

district or building disaggregated for each of the following 1738
subgroups: students identified as gifted, students with 1739
disabilities, and students whose performance places them in the 1740
lowest quintile for achievement on a statewide basis. Each 1741
subgroup shall be a separate graded measure. 1742

(2) Not later than April 30, 2013, the state board of 1743
education shall adopt a resolution describing the performance 1744
measures, benchmarks, and grading system for the 2012-2013 1745
school year and, not later than June 30, 2013, shall adopt rules 1746
in accordance with Chapter 119. of the Revised Code that 1747
prescribe the methods by which the performance measures under 1748
division (A)(1) of this section shall be assessed and assigned a 1749
letter grade, including performance benchmarks for each letter 1750
grade. 1751

At least forty-five days prior to the state board's 1752
adoption of rules to prescribe the methods by which the 1753
performance measures under division (A)(1) of this section shall 1754
be assessed and assigned a letter grade, the department shall 1755
conduct a public presentation before the standing committees of 1756
the house of representatives and the senate that consider 1757
education legislation describing such methods, including 1758
performance benchmarks. 1759

(3) There shall not be an overall letter grade for a 1760
school district or building for the 2012-2013 school year. 1761

(B) (1) For the 2013-2014 and 2014-2015 school years, the 1762
department shall issue grades as described in division (E) of 1763
this section for each of the following performance measures: 1764

(a) Annual measurable objectives; 1765

(b) Performance index score for a school district or 1766

building. Grades shall be awarded as a percentage of the total 1767
possible points on the performance index system as created by 1768
the department. In adopting benchmarks for assigning letter 1769
grades under division (B) (1) (b) of this section, the state board 1770
shall designate ninety per cent or higher for an "A," at least 1771
seventy per cent but not more than eighty per cent for a "C," 1772
and less than fifty per cent for an "F." 1773

(c) The extent to which the school district or building 1774
meets each of the applicable performance indicators established 1775
by the state board under section 3302.03 of the Revised Code and 1776
the percentage of applicable performance indicators that have 1777
been achieved. In adopting benchmarks for assigning letter 1778
grades under division (B) (1) (c) of this section, the state board 1779
shall designate ninety per cent or higher for an "A." 1780

(d) The four- and five-year adjusted cohort graduation 1781
rates; 1782

(e) The overall score under the value-added progress 1783
dimension of a school district or building, for which the 1784
department shall use up to three years of value-added data as 1785
available. 1786

(f) The value-added progress dimension score for a school 1787
district or building disaggregated for each of the following 1788
subgroups: students identified as gifted in superior cognitive 1789
ability and specific academic ability fields under Chapter 3324. 1790
of the Revised Code, students with disabilities, and students 1791
whose performance places them in the lowest quintile for 1792
achievement on a statewide basis. Each subgroup shall be a 1793
separate graded measure. 1794

(g) Whether a school district or building is making 1795

progress in improving literacy in grades kindergarten through 1796
three, as determined using a method prescribed by the state 1797
board. The state board shall adopt rules to prescribe benchmarks 1798
and standards for assigning grades to districts and buildings 1799
for purposes of division (B) (1) (g) of this section. In adopting 1800
benchmarks for assigning letter grades under divisions (B) (1) (g) 1801
and (C) (1) (g) of this section, the state board shall determine 1802
progress made based on the reduction in the total percentage of 1803
students scoring below grade level, or below proficient, 1804
compared from year to year on the reading and writing diagnostic 1805
assessments administered under section 3301.0715 of the Revised 1806
Code and the third grade English language arts assessment under 1807
section 3301.0710 of the Revised Code, as applicable. The state 1808
board shall designate for a "C" grade a value that is not lower 1809
than the statewide average value for this measure. No grade 1810
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1811
section for a district or building in which less than five per 1812
cent of students have scored below grade level on the diagnostic 1813
assessment administered to students in kindergarten under 1814
division (B) (1) of section 3313.608 of the Revised Code. 1815

(h) For a high mobility school district or building, an 1816
additional value-added progress dimension score. For this 1817
measure, the department shall use value-added data from the most 1818
recent school year available and shall use assessment scores for 1819
only those students to whom the district or building has 1820
administered the assessments prescribed by section 3301.0710 of 1821
the Revised Code for each of the two most recent consecutive 1822
school years. 1823

As used in this division, "high mobility school district 1824
or building" means a school district or building where at least 1825
twenty-five per cent of its total enrollment is made up of 1826

students who have attended that school district or building for 1827
less than one year. 1828

(2) In addition to the graded measures in division (B) (1) 1829
of this section, the department shall include on a school 1830
district's or building's report card all of the following 1831
without an assigned letter grade: 1832

(a) The percentage of students enrolled in a district or 1833
building participating in advanced placement classes and the 1834
percentage of those students who received a score of three or 1835
better on advanced placement examinations; 1836

(b) The number of a district's or building's students who 1837
have earned at least three college credits through dual 1838
enrollment or advanced standing programs, such as the post- 1839
secondary enrollment options program under Chapter 3365. of the 1840
Revised Code and state-approved career-technical courses offered 1841
through dual enrollment or statewide articulation, that appear 1842
on a student's transcript or other official document, either of 1843
which is issued by the institution of higher education from 1844
which the student earned the college credit. The credits earned 1845
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1846
this section shall not include any that are remedial or 1847
developmental and shall include those that count toward the 1848
curriculum requirements established for completion of a degree. 1849

(c) The percentage of students enrolled in a district or 1850
building who have taken a national standardized test used for 1851
college admission determinations and the percentage of those 1852
students who are determined to be remediation-free in accordance 1853
with standards adopted under division (F) of section 3345.061 of 1854
the Revised Code; 1855

(d) The percentage of the district's or the building's 1856
students who receive industry-recognized credentials as approved 1857
under section 3313.6113 of the Revised Code. 1858

(e) The percentage of students enrolled in a district or 1859
building who are participating in an international baccalaureate 1860
program and the percentage of those students who receive a score 1861
of four or better on the international baccalaureate 1862
examinations. 1863

(f) The percentage of the district's or building's 1864
students who receive an honors diploma under division (B) of 1865
section 3313.61 of the Revised Code. 1866

(3) Not later than December 31, 2013, the state board 1867
shall adopt rules in accordance with Chapter 119. of the Revised 1868
Code that prescribe the methods by which the performance 1869
measures under divisions (B)(1)(f) and (B)(1)(g) of this section 1870
will be assessed and assigned a letter grade, including 1871
performance benchmarks for each grade. 1872

At least forty-five days prior to the state board's 1873
adoption of rules to prescribe the methods by which the 1874
performance measures under division (B)(1) of this section shall 1875
be assessed and assigned a letter grade, the department shall 1876
conduct a public presentation before the standing committees of 1877
the house of representatives and the senate that consider 1878
education legislation describing such methods, including 1879
performance benchmarks. 1880

(4) There shall not be an overall letter grade for a 1881
school district or building for the 2013-2014, 2014-2015, 2015- 1882
2016, and 2016-2017 school years. 1883

(C) (1) For the 2014-2015 school year and each school year 1884

thereafter, the department shall issue grades as described in 1885
division (E) of this section for each of the performance 1886
measures prescribed in division (C) (1) of this section. The 1887
graded measures are as follows: 1888

(a) Annual measurable objectives; 1889

(b) Performance index score for a school district or 1890
building. Grades shall be awarded as a percentage of the total 1891
possible points on the performance index system as created by 1892
the department. In adopting benchmarks for assigning letter 1893
grades under division (C) (1) (b) of this section, the state board 1894
shall designate ninety per cent or higher for an "A," at least 1895
seventy per cent but not more than eighty per cent for a "C," 1896
and less than fifty per cent for an "F." 1897

(c) The extent to which the school district or building 1898
meets each of the applicable performance indicators established 1899
by the state board under section 3302.03 of the Revised Code and 1900
the percentage of applicable performance indicators that have 1901
been achieved. In adopting benchmarks for assigning letter 1902
grades under division (C) (1) (c) of this section, the state board 1903
shall designate ninety per cent or higher for an "A." 1904

(d) The four- and five-year adjusted cohort graduation 1905
rates; 1906

(e) The overall score under the value-added progress 1907
dimension, or another measure of student academic progress if 1908
adopted by the state board, of a school district or building, 1909
for which the department shall use up to three years of value- 1910
added data as available. 1911

In adopting benchmarks for assigning letter grades for 1912
overall score on value-added progress dimension under division 1913

(C) (1) (e) of this section, the state board shall prohibit the 1914
assigning of a grade of "A" for that measure unless the 1915
district's or building's grade assigned for value-added progress 1916
dimension for all subgroups under division (C) (1) (f) of this 1917
section is a "B" or higher. 1918

For the metric prescribed by division (C) (1) (e) of this 1919
section, the state board may adopt a student academic progress 1920
measure to be used instead of the value-added progress 1921
dimension. If the state board adopts such a measure, it also 1922
shall prescribe a method for assigning letter grades for the new 1923
measure that is comparable to the method prescribed in division 1924
(A) (1) (e) of this section. 1925

(f) The value-added progress dimension score of a school 1926
district or building disaggregated for each of the following 1927
subgroups: students identified as gifted in superior cognitive 1928
ability and specific academic ability fields under Chapter 3324. 1929
of the Revised Code, students with disabilities, and students 1930
whose performance places them in the lowest quintile for 1931
achievement on a statewide basis, as determined by a method 1932
prescribed by the state board. Each subgroup shall be a separate 1933
graded measure. 1934

The state board may adopt student academic progress 1935
measures to be used instead of the value-added progress 1936
dimension. If the state board adopts such measures, it also 1937
shall prescribe a method for assigning letter grades for the new 1938
measures that is comparable to the method prescribed in division 1939
(A) (1) (e) of this section. 1940

(g) Whether a school district or building is making 1941
progress in improving literacy in grades kindergarten through 1942
three, as determined using a method prescribed by the state 1943

board. The state board shall adopt rules to prescribe benchmarks 1944
and standards for assigning grades to a district or building for 1945
purposes of division (C) (1) (g) of this section. The state board 1946
shall designate for a "C" grade a value that is not lower than 1947
the statewide average value for this measure. No grade shall be 1948
issued under division (C) (1) (g) of this section for a district 1949
or building in which less than five per cent of students have 1950
scored below grade level on the kindergarten diagnostic 1951
assessment under division (B) (1) of section 3313.608 of the 1952
Revised Code. 1953

(h) For a high mobility school district or building, an 1954
additional value-added progress dimension score. For this 1955
measure, the department shall use value-added data from the most 1956
recent school year available and shall use assessment scores for 1957
only those students to whom the district or building has 1958
administered the assessments prescribed by section 3301.0710 of 1959
the Revised Code for each of the two most recent consecutive 1960
school years. 1961

As used in this division, "high mobility school district 1962
or building" means a school district or building where at least 1963
twenty-five per cent of its total enrollment is made up of 1964
students who have attended that school district or building for 1965
less than one year. 1966

(2) In addition to the graded measures in division (C) (1) 1967
of this section, the department shall include on a school 1968
district's or building's report card all of the following 1969
without an assigned letter grade: 1970

(a) The percentage of students enrolled in a district or 1971
building who have taken a national standardized test used for 1972
college admission determinations and the percentage of those 1973

students who are determined to be remediation-free in accordance	1974
with the standards adopted under division (F) of section	1975
3345.061 of the Revised Code;	1976
(b) The percentage of students enrolled in a district or	1977
building participating in advanced placement classes and the	1978
percentage of those students who received a score of three or	1979
better on advanced placement examinations;	1980
(c) The percentage of a district's or building's students	1981
who have earned at least three college credits through advanced	1982
standing programs, such as the college credit plus program under	1983
Chapter 3365. of the Revised Code and state-approved career-	1984
technical courses offered through dual enrollment or statewide	1985
articulation, that appear on a student's college transcript	1986
issued by the institution of higher education from which the	1987
student earned the college credit. The credits earned that are	1988
reported under divisions (B) (2) (b) and (C) (2) (c) of this section	1989
shall not include any that are remedial or developmental and	1990
shall include those that count toward the curriculum	1991
requirements established for completion of a degree.	1992
(d) The percentage of the district's or building's	1993
students who receive an honor's diploma under division (B) of	1994
section 3313.61 of the Revised Code;	1995
(e) The percentage of the district's or building's	1996
students who receive industry-recognized credentials as approved	1997
under section 3313.6113 of the Revised Code;	1998
(f) The percentage of students enrolled in a district or	1999
building who are participating in an international baccalaureate	2000
program and the percentage of those students who receive a score	2001
of four or better on the international baccalaureate	2002

examinations;	2003
(g) The results of the college and career-ready	2004
assessments administered under division (B) (1) of section	2005
3301.0712 of the Revised Code.	2006
(3) The state board shall adopt rules pursuant to Chapter	2007
119. of the Revised Code that establish a method to assign an	2008
overall grade for a school district or school building for the	2009
2017-2018 school year and each school year thereafter. The rules	2010
shall group the performance measures in divisions (C) (1) and (2)	2011
of this section into the following components:	2012
(a) Gap closing, which shall include the performance	2013
measure in division (C) (1) (a) of this section;	2014
(b) Achievement, which shall include the performance	2015
measures in divisions (C) (1) (b) and (c) of this section;	2016
(c) Progress, which shall include the performance measures	2017
in divisions (C) (1) (e) and (f) of this section;	2018
(d) Graduation, which shall include the performance	2019
measure in division (C) (1) (d) of this section;	2020
(e) Kindergarten through third-grade literacy, which shall	2021
include the performance measure in division (C) (1) (g) of this	2022
section;	2023
(f) Prepared for success, which shall include the	2024
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	2025
and (f) of this section. The state board shall develop a method	2026
to determine a grade for the component in division (C) (3) (f) of	2027
this section using the performance measures in divisions (C) (2)	2028
(a), (b), (c), (d), (e), and (f) of this section. When	2029
available, the state board may incorporate the performance	2030

measure under division (C) (2) (g) of this section into the 2031
component under division (C) (3) (f) of this section. When 2032
determining the overall grade for the prepared for success 2033
component prescribed by division (C) (3) (f) of this section, no 2034
individual student shall be counted in more than one performance 2035
measure. However, if a student qualifies for more than one 2036
performance measure in the component, the state board may, in 2037
its method to determine a grade for the component, specify an 2038
additional weight for such a student that is not greater than or 2039
equal to 1.0. In determining the overall score under division 2040
(C) (3) (f) of this section, the state board shall ensure that the 2041
pool of students included in the performance measures aggregated 2042
under that division are all of the students included in the 2043
four- and five-year adjusted graduation cohort. 2044

In the rules adopted under division (C) (3) of this 2045
section, the state board shall adopt a method for determining a 2046
grade for each component in divisions (C) (3) (a) to (f) of this 2047
section. The state board also shall establish a method to assign 2048
an overall grade of "A," "B," "C," "D," or "F" using the grades 2049
assigned for each component. The method the state board adopts 2050
for assigning an overall grade shall give equal weight to the 2051
components in divisions (C) (3) (b) and (c) of this section. 2052

At least forty-five days prior to the state board's 2053
adoption of rules to prescribe the methods for calculating the 2054
overall grade for the report card, as required by this division, 2055
the department shall conduct a public presentation before the 2056
standing committees of the house of representatives and the 2057
senate that consider education legislation describing the format 2058
for the report card, weights that will be assigned to the 2059
components of the overall grade, and the method for calculating 2060
the overall grade. 2061

(D) On or after July 1, 2015, the state board may develop 2062
a measure of student academic progress for high school students 2063
using only data from assessments in English language arts and 2064
mathematics. If the state board develops this measure, each 2065
school district and applicable school building shall be assigned 2066
a separate letter grade for it not sooner than the 2017-2018 2067
school year. The district's or building's grade for that measure 2068
shall not be included in determining the district's or 2069
building's overall letter grade. 2070

(E) The letter grades assigned to a school district or 2071
building under this section shall be as follows: 2072

(1) "A" for a district or school making excellent 2073
progress; 2074

(2) "B" for a district or school making above average 2075
progress; 2076

(3) "C" for a district or school making average progress; 2077

(4) "D" for a district or school making below average 2078
progress; 2079

(5) "F" for a district or school failing to meet minimum 2080
progress. 2081

(F) When reporting data on student achievement and 2082
progress, the department shall disaggregate that data according 2083
to the following categories: 2084

(1) Performance of students by grade-level; 2085

(2) Performance of students by race and ethnic group; 2086

(3) Performance of students by gender; 2087

(4) Performance of students grouped by those who have been 2088

enrolled in a district or school for three or more years;	2089
(5) Performance of students grouped by those who have been	2090
enrolled in a district or school for more than one year and less	2091
than three years;	2092
(6) Performance of students grouped by those who have been	2093
enrolled in a district or school for one year or less;	2094
(7) Performance of students grouped by those who are	2095
economically disadvantaged;	2096
(8) Performance of students grouped by those who are	2097
enrolled in a conversion community school established under	2098
Chapter 3314. of the Revised Code;	2099
(9) Performance of students grouped by those who are	2100
classified as limited English proficient;	2101
(10) Performance of students grouped by those who have	2102
disabilities;	2103
(11) Performance of students grouped by those who are	2104
classified as migrants;	2105
(12) Performance of students grouped by those who are	2106
identified as gifted in superior cognitive ability and the	2107
specific academic ability fields of reading and math pursuant to	2108
Chapter 3324. of the Revised Code. In disaggregating specific	2109
academic ability fields for gifted students, the department	2110
shall use data for those students with specific academic ability	2111
in math and reading. If any other academic field is assessed,	2112
the department shall also include data for students with	2113
specific academic ability in that field as well.	2114
(13) Performance of students grouped by those who perform	2115
in the lowest quintile for achievement on a statewide basis, as	2116

determined by a method prescribed by the state board. 2117

The department may disaggregate data on student 2118
performance according to other categories that the department 2119
determines are appropriate. To the extent possible, the 2120
department shall disaggregate data on student performance 2121
according to any combinations of two or more of the categories 2122
listed in divisions (F) (1) to (13) of this section that it deems 2123
relevant. 2124

In reporting data pursuant to division (F) of this 2125
section, the department shall not include in the report cards 2126
any data statistical in nature that is statistically unreliable 2127
or that could result in the identification of individual 2128
students. For this purpose, the department shall not report 2129
student performance data for any group identified in division 2130
(F) of this section that contains less than ten students. If the 2131
department does not report student performance data for a group 2132
because it contains less than ten students, the department shall 2133
indicate on the report card that is why data was not reported. 2134

(G) The department may include with the report cards any 2135
additional education and fiscal performance data it deems 2136
valuable. 2137

(H) The department shall include on each report card a 2138
list of additional information collected by the department that 2139
is available regarding the district or building for which the 2140
report card is issued. When available, such additional 2141
information shall include student mobility data disaggregated by 2142
race and socioeconomic status, and college enrollment data, ~~and~~ 2143
~~the reports prepared under section 3302.031 of the Revised Code.~~ 2144

The department shall maintain a site on the world wide 2145

web. The report card shall include the address of the site and 2146
shall specify that such additional information is available to 2147
the public at that site. The department shall also provide a 2148
copy of each item on the list to the superintendent of each 2149
school district. The district superintendent shall provide a 2150
copy of any item on the list to anyone who requests it. 2151

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2152
section, for any district that sponsors a conversion community 2153
school under Chapter 3314. of the Revised Code, the department 2154
shall combine data regarding the academic performance of 2155
students enrolled in the community school with comparable data 2156
from the schools of the district for the purpose of determining 2157
the performance of the district as a whole on the report card 2158
issued for the district under this section or section 3302.033 2159
of the Revised Code. 2160

(b) The department shall not combine data from any 2161
conversion community school that a district sponsors if a 2162
majority of the students enrolled in the conversion community 2163
school are enrolled in a dropout prevention and recovery program 2164
that is operated by the school, as described in division (A) ~~(4)~~ 2165
(2) (a) of section 3314.35 of the Revised Code. The department 2166
shall include as an addendum to the district's report card the 2167
ratings and performance measures that are required under section 2168
3314.017 of the Revised Code for any community school to which 2169
division (I) (1) (b) of this section applies. This addendum shall 2170
include, at a minimum, the data specified in divisions (C) (1) 2171
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 2172

(2) Any district that leases a building to a community 2173
school located in the district or that enters into an agreement 2174
with a community school located in the district whereby the 2175

district and the school endorse each other's programs may elect 2176
to have data regarding the academic performance of students 2177
enrolled in the community school combined with comparable data 2178
from the schools of the district for the purpose of determining 2179
the performance of the district as a whole on the district 2180
report card. Any district that so elects shall annually file a 2181
copy of the lease or agreement with the department. 2182

(3) Any municipal school district, as defined in section 2183
3311.71 of the Revised Code, that sponsors a community school 2184
located within the district's territory, or that enters into an 2185
agreement with a community school located within the district's 2186
territory whereby the district and the community school endorse 2187
each other's programs, may exercise either or both of the 2188
following elections: 2189

(a) To have data regarding the academic performance of 2190
students enrolled in that community school combined with 2191
comparable data from the schools of the district for the purpose 2192
of determining the performance of the district as a whole on the 2193
district's report card; 2194

(b) To have the number of students attending that 2195
community school noted separately on the district's report card. 2196

The election authorized under division (I) (3) (a) of this 2197
section is subject to approval by the governing authority of the 2198
community school. 2199

Any municipal school district that exercises an election 2200
to combine or include data under division (I) (3) of this 2201
section, by the first day of October of each year, shall file 2202
with the department documentation indicating eligibility for 2203
that election, as required by the department. 2204

(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K) (1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A) (1) or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2234
2001, exclude for each district or building any limited English 2235
proficient student who has been enrolled in United States 2236
schools for less than one full school year. 2237

(L) Beginning with the 2015-2016 school year and at least 2238
once every three years thereafter, the state board of education 2239
shall review and may adjust the benchmarks for assigning letter 2240
grades to the performance measures and components prescribed 2241
under divisions (C) (3) and (D) of this section. 2242

Sec. 3302.036. (A) Notwithstanding anything in the Revised 2243
Code to the contrary, ~~the~~ : 2244

(1) The department of education shall not assign an 2245
overall letter grade under division (C) (3) of section 3302.03 of 2246
the Revised Code, as it existed prior to the effective date of 2247
this amendment, or section 3302.032 of the Revised Code for any 2248
school district or building for the 2014-2015, 2015-2016, or 2249
2016-2017 school years. 2250

(2) The department may, at the discretion of the state 2251
board of education, not assign an individual grade to any 2252
component prescribed under division (C) (3) of section 3302.03 of 2253
the Revised Code, as it existed prior to the effective date of 2254
this amendment, or section 3302.032 of the Revised Code, and 2255

(3) The department shall not rank school districts, 2256
community schools established under Chapter 3314. of the Revised 2257
Code, or STEM schools established under Chapter 3326. of the 2258
Revised Code under section 3302.21 of the Revised Code for those 2259
school years. 2260

(4) The report card ratings issued for the 2014-2015, 2261
2015-2016, or 2016-2017 school years shall not be considered in 2262

determining whether a school district or a school is subject to 2263
sanctions or penalties. However, the report card ratings of any 2264
previous or subsequent years shall be considered in determining 2265
whether a school district or building is subject to sanctions or 2266
penalties. Accordingly, the report card ratings for the 2014- 2267
2015, 2015-2016, or 2016-2017 school years shall have no effect 2268
in determining sanctions or penalties, but shall not create a 2269
new starting point for determinations that are based on ratings 2270
over multiple years. 2271

(B) The provisions from which a district or school is 2272
exempt under division (A) of this section shall be the 2273
following: 2274

(1) Any restructuring provisions established under this 2275
chapter, except as required under the "No Child Left Behind Act 2276
of 2001"; 2277

(2) Provisions for the Columbus city school pilot project 2278
under section 3302.042 of the Revised Code; 2279

(3) Provisions for academic distress commissions under 2280
former section 3302.10 of the Revised Code as it existed prior 2281
~~to the effective date of this amendment October 15, 2015.~~ The 2282
provisions of this section do not apply to academic distress 2283
commissions under the version of that section as it exists on or 2284
~~after the effective date of this amendment October 15, 2015.~~ 2285

(4) Provisions prescribing new buildings where students 2286
are eligible for the educational choice scholarships under 2287
section 3310.03 of the Revised Code; 2288

(5) Provisions defining "challenged school districts" in 2289
which new start-up community schools may be located, as 2290
prescribed in section 3314.02 of the Revised Code; 2291

(6) Provisions prescribing community school closure 2292
requirements under section 3314.35 or 3314.351 of the Revised 2293
Code. 2294

(C) Notwithstanding anything in the Revised Code to the 2295
contrary and except as provided in Section 3 of H.B. 7 of the 2296
131st general assembly, no school district, community school, or 2297
STEM school shall utilize at any time during a student's 2298
academic career a student's score on any assessment administered 2299
under division (A) of section 3301.0710 or division (B) (2) of 2300
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 2301
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 2302
to promote or to deny the student promotion to a higher grade 2303
level or in any decision to grant course credit. No individual 2304
student score reports on such assessments administered in the 2305
2014-2015, 2015-2016, or 2016-2017 school years shall be 2306
released, except to a student's school district or school or to 2307
the student or the student's parent or guardian. 2308

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2309
this section, ~~for the 2014-2015 school year, and for each school-~~ 2310
~~year thereafter,~~ when a provision refers to a school district or 2311
school building in a state of academic emergency, it shall mean 2312
a district or building rated "F"; when a provision refers to a 2313
school district or school building under an academic watch, it 2314
shall mean a district or building rated "D"; and when a 2315
provision refers to a school district or school building in need 2316
of continuous improvement, it shall mean a district or building 2317
rated "C" as those letter grade ratings for overall performance 2318
are assigned under division (C) (3) of section 3302.03 of the 2319
Revised Code, as it existed prior to the effective date of this 2320
amendment, or section 3302.032 of the Revised Code, as it exists 2321
~~on or after March 22, 2013.~~ 2322

(A) The department of education shall establish a system 2323
of intensive, ongoing support for the improvement of school 2324
districts and school buildings. In accordance with the model of 2325
differentiated accountability described in section 3302.041 of 2326
the Revised Code, the system shall give priority to the 2327
following: 2328

(1) For any school year prior to the 2012-2013 school 2329
year, districts and buildings that have been declared to be 2330
under an academic watch or in a state of academic emergency 2331
~~under section 3302.03 of the Revised Code;~~ 2332

(2) For the 2012-2013 school year, and for each school 2333
year thereafter, districts and buildings in the manner 2334
prescribed by any agreement currently in force between the 2335
department and the United States department of education. The 2336
department shall endeavor to include schools and buildings that 2337
receive grades under section 3302.03 of the Revised Code, as it 2338
existed prior to the effective date of this amendment, or 2339
section 3302.032 of the Revised Code that the department 2340
considers to be low performing. 2341

The system shall include services provided to districts 2342
and buildings through regional service providers, such as 2343
educational service centers. The system may include the 2344
appointment of an improvement coordinator for any of the lowest 2345
performing districts, as determined by the department, to 2346
coordinate the district's academic improvement efforts and to 2347
build support among the community for those efforts. 2348

(B) This division does not apply to any school district 2349
after June 30, 2008. 2350

When a school district has been notified by the department 2351

~~pursuant to section 3302.03 of the Revised Code~~ that the 2352
district or a building within the district has failed to make 2353
adequate yearly progress for two consecutive school years, the 2354
district shall develop a three-year continuous improvement plan 2355
for the district or building containing each of the following: 2356

(1) An analysis of the reasons for the failure of the 2357
district or building to meet any of the applicable performance 2358
indicators established under section 3302.02 of the Revised Code 2359
that it did not meet and an analysis of the reasons for its 2360
failure to make adequate yearly progress; 2361

(2) Specific strategies that the district or building will 2362
use to address the problems in academic achievement identified 2363
in division (B) (1) of this section; 2364

(3) Identification of the resources that the district will 2365
allocate toward improving the academic achievement of the 2366
district or building; 2367

(4) A description of any progress that the district or 2368
building made in the preceding year toward improving its 2369
academic achievement; 2370

(5) An analysis of how the district is utilizing the 2371
professional development standards adopted by the state board 2372
pursuant to section 3319.61 of the Revised Code; 2373

(6) Strategies that the district or building will use to 2374
improve the cultural competency, as defined pursuant to section 2375
3319.61 of the Revised Code, of teachers and other educators. 2376

No three-year continuous improvement plan shall be 2377
developed or adopted pursuant to this division unless at least 2378
one public hearing is held within the affected school district 2379
or building concerning the final draft of the plan. Notice of 2380

the hearing shall be given two weeks prior to the hearing by 2381
publication in one newspaper of general circulation within the 2382
territory of the affected school district or building. Copies of 2383
the plan shall be made available to the public. 2384

(C) (1) For any school year prior to the school year that 2385
begins on July 1, 2012, when a school district or building has 2386
been notified by the department pursuant to section 3302.03 of 2387
the Revised Code that the district or building is under an 2388
academic watch or in a state of academic emergency, the district 2389
or building shall be subject to any rules establishing 2390
intervention in academic watch or emergency school districts or 2391
buildings. 2392

(2) For the 2012-2013 school year, and for each school 2393
year thereafter, a district or building that meets the 2394
conditions for intervention prescribed by the agreement 2395
described in division (A) (2) of this section shall be subject to 2396
any rules establishing such intervention. 2397

(D) (1) For any school year prior to the 2012-2013 school 2398
year, within one hundred twenty days after any school district 2399
or building is declared to be in a state of academic emergency 2400
~~under section 3302.03 of the Revised Code~~, the department may 2401
initiate a site evaluation of the building or school district. 2402

(2) For the 2012-2013 school year, and for each school 2403
year thereafter, the department may initiate a site evaluation 2404
of a building or school district that meets the conditions for a 2405
site evaluation prescribed by the agreement described in 2406
division (A) (2) of this section. 2407

(3) Division (D) (3) of this section does not apply to any 2408
school district after June 30, 2008. 2409

If any school district that is declared to be in a state
of academic emergency or in a state of academic watch ~~under~~
~~section 3302.03 of the Revised Code~~ or encompasses a building
that is declared to be in a state of academic emergency or in a
state of academic watch fails to demonstrate to the department
satisfactory improvement of the district or applicable buildings
or fails to submit to the department any information required
under rules established by the state board of education, prior
to approving a three-year continuous improvement plan under
rules established by the state board of education, the
department shall conduct a site evaluation of the school
district or applicable buildings to determine whether the school
district is in compliance with minimum standards established by
law or rule.

(4) Division (D) (4) of this section does not apply to any
school district after June 30, 2008. Site evaluations conducted
under divisions (D) (1), (2), and (3) of this section shall
include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject
areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction
time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary
to implement the curriculum approved by the school district
board are available;

(e) Examination of whether the teacher and principal
evaluation systems comply with sections 3311.80, 3311.84,
3319.02, and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the 2439
cultural competency, as defined pursuant to section 3319.61 of 2440
the Revised Code, of teachers and other educators. 2441

(E) This division applies only to school districts that 2442
operate a school building that fails to make adequate yearly 2443
progress for two or more consecutive school years. It does not 2444
apply to any such district after June 30, 2008, except as 2445
provided in division (D)(2) of section 3313.97 of the Revised 2446
Code. 2447

(1) For any school building that fails to make adequate 2448
yearly progress for two consecutive school years, the district 2449
shall do all of the following: 2450

(a) Provide written notification of the academic issues 2451
that resulted in the building's failure to make adequate yearly 2452
progress to the parent or guardian of each student enrolled in 2453
the building. The notification shall also describe the actions 2454
being taken by the district or building to improve the academic 2455
performance of the building and any progress achieved toward 2456
that goal in the immediately preceding school year. 2457

(b) If the building receives funds under Title I, Part A 2458
of the "Elementary and Secondary Education Act of 1965," 20 2459
U.S.C. 6311 to 6339, from the district, in accordance with 2460
section 3313.97 of the Revised Code, offer all students enrolled 2461
in the building the opportunity to enroll in an alternative 2462
building within the district that is not in school improvement 2463
status as defined by the "No Child Left Behind Act of 2001." 2464
Notwithstanding Chapter 3327. of the Revised Code, the district 2465
shall spend an amount equal to twenty per cent of the funds it 2466
receives under Title I, Part A of the "Elementary and Secondary 2467
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2468

transportation for students who enroll in alternative buildings 2469
under this division, unless the district can satisfy all demand 2470
for transportation with a lesser amount. If an amount equal to 2471
twenty per cent of the funds the district receives under Title 2472
I, Part A of the "Elementary and Secondary Education Act of 2473
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2474
demand for transportation, the district shall grant priority 2475
over all other students to the lowest achieving students among 2476
the subgroup described in division (B) (3) of section 3302.01 of 2477
the Revised Code in providing transportation. Any district that 2478
does not receive funds under Title I, Part A of the "Elementary 2479
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2480
shall not be required to provide transportation to any student 2481
who enrolls in an alternative building under this division. 2482

(2) For any school building that fails to make adequate 2483
yearly progress for three consecutive school years, the district 2484
shall do both of the following: 2485

(a) If the building receives funds under Title I, Part A 2486
of the "Elementary and Secondary Education Act of 1965," 20 2487
U.S.C. 6311 to 6339, from the district, in accordance with 2488
section 3313.97 of the Revised Code, provide all students 2489
enrolled in the building the opportunity to enroll in an 2490
alternative building within the district that is not in school 2491
improvement status as defined by the "No Child Left Behind Act 2492
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2493
district shall provide transportation for students who enroll in 2494
alternative buildings under this division to the extent required 2495
under division (E) (2) of this section. 2496

(b) If the building receives funds under Title I, Part A 2497
of the "Elementary and Secondary Education Act of 1965," 20 2498

U.S.C. 6311 to 6339, from the district, offer supplemental 2499
educational services to students who are enrolled in the 2500
building and who are in the subgroup described in division (B) 2501
(3) of section 3302.01 of the Revised Code. 2502

The district shall spend a combined total of an amount 2503
equal to twenty per cent of the funds it receives under Title I, 2504
Part A of the "Elementary and Secondary Education Act of 1965," 2505
20 U.S.C. 6311 to 6339, to provide transportation for students 2506
who enroll in alternative buildings under division (E) (1) (b) or 2507
(E) (2) (a) of this section and to pay the costs of the 2508
supplemental educational services provided to students under 2509
division (E) (2) (b) of this section, unless the district can 2510
satisfy all demand for transportation and pay the costs of 2511
supplemental educational services for those students who request 2512
them with a lesser amount. In allocating funds between the 2513
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2514
this section, the district shall spend at least an amount equal 2515
to five per cent of the funds it receives under Title I, Part A 2516
of the "Elementary and Secondary Education Act of 1965," 20 2517
U.S.C. 6311 to 6339, to provide transportation for students who 2518
enroll in alternative buildings under division (E) (1) (b) or (E) 2519
(2) (a) of this section, unless the district can satisfy all 2520
demand for transportation with a lesser amount, and at least an 2521
amount equal to five per cent of the funds it receives under 2522
Title I, Part A of the "Elementary and Secondary Education Act 2523
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2524
supplemental educational services provided to students under 2525
division (E) (2) (b) of this section, unless the district can pay 2526
the costs of such services for all students requesting them with 2527
a lesser amount. If an amount equal to twenty per cent of the 2528
funds the district receives under Title I, Part A of the 2529

"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2530
to 6339, is insufficient to satisfy all demand for 2531
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2532
section and to pay the costs of all of the supplemental 2533
educational services provided to students under division (E) (2) 2534
(b) of this section, the district shall grant priority over all 2535
other students in providing transportation and in paying the 2536
costs of supplemental educational services to the lowest 2537
achieving students among the subgroup described in division (B) 2538
(3) of section 3302.01 of the Revised Code. 2539

Any district that does not receive funds under Title I, 2540
Part A of the "Elementary and Secondary Education Act of 1965," 2541
20 U.S.C. 6311 to 6339, shall not be required to provide 2542
transportation to any student who enrolls in an alternative 2543
building under division (E) (2) (a) of this section or to pay the 2544
costs of supplemental educational services provided to any 2545
student under division (E) (2) (b) of this section. 2546

No student who enrolls in an alternative building under 2547
division (E) (2) (a) of this section shall be eligible for 2548
supplemental educational services under division (E) (2) (b) of 2549
this section. 2550

(3) For any school building that fails to make adequate 2551
yearly progress for four consecutive school years, the district 2552
shall continue to comply with division (E) (2) of this section 2553
and shall implement at least one of the following options with 2554
respect to the building: 2555

(a) Institute a new curriculum that is consistent with the 2556
statewide academic standards adopted pursuant to division (A) of 2557
section 3301.079 of the Revised Code; 2558

(b) Decrease the degree of authority the building has to manage its internal operations;	2559 2560
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.	2561 2562 2563 2564
(d) Extend the length of the school day or year;	2565
(e) Replace the building principal or other key personnel;	2566
(f) Reorganize the administrative structure of the building.	2567 2568
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2569 2570 2571 2572 2573 2574
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2575 2576
(b) Replace personnel;	2577
(c) Contract with a nonprofit or for-profit entity to operate the building;	2578 2579
(d) Turn operation of the building over to the department;	2580
(e) Other significant restructuring of the building's governance.	2581 2582
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section	2583 2584 2585

and shall implement the plan developed pursuant to division (E) 2586
(4) of this section. 2587

(6) A district shall continue to comply with division (E) 2588
(1) (b) or (E) (2) of this section, whichever was most recently 2589
applicable, with respect to any building formerly subject to one 2590
of those divisions until the building makes adequate yearly 2591
progress for two consecutive school years. 2592

(F) This division applies only to school districts that 2593
have been identified for improvement by the department pursuant 2594
to the "No Child Left Behind Act of 2001." It does not apply to 2595
any such district after June 30, 2008. 2596

(1) If a school district has been identified for 2597
improvement for one school year, the district shall provide a 2598
written description of the continuous improvement plan developed 2599
by the district pursuant to division (B) of this section to the 2600
parent or guardian of each student enrolled in the district. If 2601
the district does not have a continuous improvement plan, the 2602
district shall develop such a plan in accordance with division 2603
(B) of this section and provide a written description of the 2604
plan to the parent or guardian of each student enrolled in the 2605
district. 2606

(2) If a school district has been identified for 2607
improvement for two consecutive school years, the district shall 2608
continue to implement the continuous improvement plan developed 2609
by the district pursuant to division (B) or (F) (1) of this 2610
section. 2611

(3) If a school district has been identified for 2612
improvement for three consecutive school years, the department 2613
shall take at least one of the following corrective actions with 2614

respect to the district: 2615

(a) Withhold a portion of the funds the district is 2616
entitled to receive under Title I, Part A of the "Elementary and 2617
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2618

(b) Direct the district to replace key district personnel; 2619

(c) Institute a new curriculum that is consistent with the 2620
statewide academic standards adopted pursuant to division (A) of 2621
section 3301.079 of the Revised Code; 2622

(d) Establish alternative forms of governance for 2623
individual school buildings within the district; 2624

(e) Appoint a trustee to manage the district in place of 2625
the district superintendent and board of education. 2626

The department shall conduct individual audits of a 2627
sampling of districts subject to this division to determine 2628
compliance with the corrective actions taken by the department. 2629

(4) If a school district has been identified for 2630
improvement for four consecutive school years, the department 2631
shall continue to monitor implementation of the corrective 2632
action taken under division (F) (3) of this section with respect 2633
to the district. 2634

(5) If a school district has been identified for 2635
improvement for five consecutive school years, the department 2636
shall take at least one of the corrective actions identified in 2637
division (F) (3) of this section with respect to the district, 2638
provided that the corrective action the department takes is 2639
different from the corrective action previously taken under 2640
division (F) (3) of this section with respect to the district. 2641

(G) The department may establish a state intervention team 2642

to evaluate all aspects of a school district or building, 2643
including management, curriculum, instructional methods, 2644
resource allocation, and scheduling. Any such intervention team 2645
shall be appointed by the department and shall include teachers 2646
and administrators recognized as outstanding in their fields. 2647
The intervention team shall make recommendations regarding 2648
methods for improving the performance of the district or 2649
building. 2650

The department shall not approve a district's request for 2651
an intervention team under division (E) (3) of this section if 2652
the department cannot adequately fund the work of the team, 2653
unless the district agrees to pay for the expenses of the team. 2654

(H) The department shall conduct individual audits of a 2655
sampling of community schools established under Chapter 3314. of 2656
the Revised Code to determine compliance with this section. 2657

(I) The state board shall adopt rules for implementing 2658
this section. 2659

Sec. 3302.05. The state board of education shall adopt 2660
rules freeing school districts from specified state mandates if 2661
one of the following applies: 2662

(A) For the 2011-2012 school year, the school district was 2663
declared to be excellent under section 3302.03 of the Revised 2664
Code, as that section existed prior to March 22, 2013, and had 2665
above expected growth in the overall value-added measure. 2666

(B) For the 2012-2013 school year, the school district 2667
received a grade of "A" for the number of performance indicators 2668
met under division (A) (1) (c) of section 3302.03 of the Revised 2669
Code, as it existed prior to the effective date of this 2670
amendment, and for the value-added dimension under division (A) 2671

(1) (e) of that section 3302.03 of the Revised Code. 2672

(C) For the 2013-2014, 2014-2015, or 2015-2016 school-year- 2673
years, the school district received a grade of "A" for the 2674
number of performance indicators met under division (B) (1) (c) of 2675
section 3302.03 of the Revised Code, as it existed prior to the 2676
effective date of this amendment, and for the value-added 2677
dimension under division (B) (1) (e) of that section 3302.03 of 2678
the Revised Code. 2679

(D) For the 2016-2017 school year and for each school year 2680
thereafter, the school district received an overall grade of "A" 2681
under division (C) (3) of section 3302.03 of the Revised Code, as 2682
it existed prior to the effective date of this amendment, or 2683
section 3302.032 of the Revised Code. 2684

Any mandates included in the rules shall be only those 2685
statutes or rules pertaining to state education requirements. 2686
The rules shall not exempt districts from any operating standard 2687
adopted under division (D) (3) of section 3301.07 of the Revised 2688
Code. 2689

Sec. 3302.063. (A) Except as provided in division (B) of 2690
this section, upon designation of a school district of 2691
innovation under section 3302.062 of the Revised Code, the state 2692
board of education shall waive any laws in Title XXXIII of the 2693
Revised Code or rules adopted by the state board that are 2694
specified in the innovation plan submitted by the district board 2695
of education as needing to be waived to implement the plan. The 2696
waiver shall apply only to the school or schools participating 2697
in the innovation plan and shall not apply to the district as a 2698
whole, unless each of the district's schools is a participating 2699
school. The waiver shall cease to apply to a school if the 2700
school's designation as an innovation school is revoked or the 2701

innovation school zone in which the school participates has its 2702
designation revoked under section 3302.065 of the Revised Code, 2703
or if the school is removed from an innovation school zone under 2704
that section or section 3302.064 of the Revised Code. 2705

(B) The state board shall not waive any law or rule 2706
regarding the following: 2707

(1) Funding for school districts under Chapter 3317. of 2708
the Revised Code; 2709

(2) The requirements of Chapters 3323. and 3324. of the 2710
Revised Code for the provision of services to students with 2711
disabilities and gifted students; 2712

(3) Requirements related to the provision of career- 2713
technical education that are necessary to comply with federal 2714
law or maintenance of effort provisions; 2715

(4) Administration of the assessments prescribed by 2716
sections 3301.0710, 3301.0712, and 3301.0715 of the Revised 2717
Code; 2718

(5) Requirements related to the issuance of report cards 2719
and the assignment of performance ratings under ~~section~~ sections 2720
3302.03 and 3302.032 of the Revised Code; 2721

(6) Implementation of the model of differentiated 2722
accountability under section 3302.041 of the Revised Code; 2723

(7) Requirements for the reporting of data to the 2724
department of education; 2725

(8) Criminal records checks of school employees; 2726

(9) The requirements of Chapters 3307. and 3309. regarding 2727
the retirement systems for teachers and school employees. 2728

(C) If a district board's revisions to an innovation plan 2729
under section 3302.066 of the Revised Code require a waiver of 2730
additional laws or state board rules, the state board shall 2731
grant a waiver from those laws or rules upon evidence that 2732
administrators and teachers have consented to the revisions as 2733
required by that section. 2734

Sec. 3302.10. (A) The superintendent of public instruction 2735
shall establish an academic distress commission for any school 2736
district that meets one of the following conditions: 2737

(1) The district has received an overall grade of "F" 2738
under division (C) (3) of section 3302.03 of the Revised Code, as 2739
it existed prior to the effective date of this amendment, or 2740
section 3302.032 of the Revised Code for three consecutive 2741
years. 2742

(2) An academic distress commission established for the 2743
district under former section 3302.10 of the Revised Code was 2744
still in existence on the effective date of this section October 2745
15, 2015, and has been in existence for at least four years. 2746

(B) (1) The academic distress commission shall consist of 2747
five members as follows: 2748

(a) Three members appointed by the state superintendent, 2749
one of whom is a resident in the county in which a majority of 2750
the district's territory is located; 2751

(b) One member appointed by the president of the district 2752
board of education, who shall be a teacher employed by the 2753
district; 2754

(c) One member appointed by the mayor of the municipality 2755
in which a majority of the district's territory is located or, 2756
if no such municipality exists, by the mayor of a municipality 2757

selected by the state superintendent in which the district has
territory.

Appointments to the commission shall be made within thirty
days after the district is notified that it is subject to this
section. Members of the commission shall serve at the pleasure
of their appointing authority. The state superintendent shall
designate a chairperson for the commission from among the
members appointed by the state superintendent. The chairperson
shall call and conduct meetings, set meeting agendas, and serve
as a liaison between the commission and the chief executive
officer appointed under division (C)(1) of this section.

(2) In the case of a school district that meets the
condition in division (A)(2) of this section, the academic
distress commission established for the district under former
section 3302.10 of the Revised Code shall be abolished and a new
academic distress commission shall be appointed for the district
pursuant to division (B)(1) of this section.

(C)(1) Within sixty days after the state superintendent
has designated a chairperson for the academic distress
commission, the commission shall appoint a chief executive
officer for the district, who shall be paid by the department of
education and shall serve at the pleasure of the commission. The
individual appointed as chief executive officer shall have high-
level management experience in the public or private sector. The
chief executive officer shall exercise complete operational,
managerial, and instructional control of the district, which
shall include, but shall not be limited to, the following powers
and duties, but the chief executive officer may delegate, in
writing, specific powers or duties to the district board or
district superintendent:

(a) Replacing school administrators and central office staff;	2788 2789
(b) Assigning employees to schools and approving transfers;	2790 2791
(c) Hiring new employees;	2792
(d) Defining employee responsibilities and job descriptions;	2793 2794
(e) Establishing employee compensation;	2795
(f) Allocating teacher class loads;	2796
(g) Conducting employee evaluations;	2797
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	2798 2799
(i) Setting the school calendar;	2800
(j) Creating a budget for the district;	2801
(k) Contracting for services for the district;	2802
(l) Modifying policies and procedures established by the district board;	2803 2804
(m) Establishing grade configurations of schools;	2805
(n) Determining the school curriculum;	2806
(o) Selecting instructional materials and assessments;	2807
(p) Setting class sizes;	2808
(q) Providing for staff professional development.	2809
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of	2810 2811

the Revised Code, that position shall be terminated. However, 2812
nothing in this section shall prohibit the chief executive 2813
officer from employing the same individual or other staff to 2814
perform duties or functions previously performed by the 2815
improvement coordinator. 2816

(D) The academic distress commission, in consultation with 2817
the state superintendent and the chief executive officer, shall 2818
be responsible for expanding high-quality school choice options 2819
in the district. The commission, in consultation with the state 2820
superintendent, may create an entity to act as a high-quality 2821
school accelerator for schools not operated by the district. The 2822
accelerator shall promote high-quality schools in the district, 2823
lead improvement efforts for underperforming schools, recruit 2824
high-quality sponsors for community schools, attract new high- 2825
quality schools to the district, and increase the overall 2826
capacity of schools to deliver a high-quality education for 2827
students. Any accelerator shall be an independent entity and the 2828
chief executive officer shall have no authority over the 2829
accelerator. 2830

(E) (1) Within thirty days after the chief executive 2831
officer is appointed, the chief executive officer shall convene 2832
a group of community stakeholders. The purpose of the group 2833
shall be to develop expectations for academic improvement in the 2834
district and to assist the district in building relationships 2835
with organizations in the community that can provide needed 2836
services to students. Members of the group shall include, but 2837
shall not be limited to, educators, civic and business leaders, 2838
and representatives of institutions of higher education and 2839
government service agencies. Within ninety days after the chief 2840
executive officer is appointed, the chief executive officer also 2841
shall convene a smaller group of community stakeholders for each 2842

school operated by the district to develop expectations for 2843
academic improvement in that school. The group convened for each 2844
school shall have teachers employed in the school and parents of 2845
students enrolled in the school among its members. 2846

(2) The chief executive officer shall create a plan to 2847
improve the district's academic performance. In creating the 2848
plan, the chief executive officer shall consult with the groups 2849
convened under division (E) (1) of this section. The chief 2850
executive officer also shall consider the availability of 2851
funding to ensure sustainability of the plan. The plan shall 2852
establish clear, measurable performance goals for the district 2853
and for each school operated by the district. The performance 2854
goals shall include, but not be limited to, the performance 2855
measures prescribed for report cards issued under section 2856
3302.03 of the Revised Code, as it existed prior to the 2857
effective date of this amendment, or section 3302.032 of the 2858
Revised Code. Within ninety days after the chief executive 2859
officer is appointed, the chief executive officer shall submit 2860
the plan to the academic distress commission for approval. 2861
Within thirty days after the submission of the plan, the 2862
commission shall approve the plan or suggest modifications to 2863
the plan that will render it acceptable. If the commission 2864
suggests modifications, the chief executive officer may revise 2865
the plan before resubmitting it to the commission. The chief 2866
executive officer shall resubmit the plan, whether revised or 2867
not, within fifteen days after the commission suggests 2868
modifications. The commission shall approve the plan within 2869
thirty days after the plan is resubmitted. Upon approval of the 2870
plan by the commission, the chief executive officer shall 2871
implement the plan. 2872

(F) Notwithstanding any provision to the contrary in 2873

Chapter 4117. of the Revised Code, if the district board has 2874
entered into, modified, renewed, or extended a collective 2875
bargaining agreement on or after ~~the effective date of this~~ 2876
~~section~~ October 15, 2015, that contains provisions relinquishing 2877
one or more of the rights or responsibilities listed in division 2878
(C) of section 4117.08 of the Revised Code, those provisions are 2879
not enforceable and the chief executive officer and the district 2880
board shall resume holding those rights or responsibilities as 2881
if the district board had not relinquished them in that 2882
agreement until such time as both the academic distress 2883
commission ceases to exist and the district board agrees to 2884
relinquish those rights or responsibilities in a new collective 2885
bargaining agreement. For purposes of this section, "collective 2886
bargaining agreement" shall include any labor contract or 2887
agreement in effect with any applicable bargaining 2888
representative. The chief executive officer and the district 2889
board are not required to bargain on subjects reserved to the 2890
management and direction of the school district, including, but 2891
not limited to, the rights or responsibilities listed in 2892
division (C) of section 4117.08 of the Revised Code. The way in 2893
which these subjects and these rights or responsibilities may 2894
affect the wages, hours, terms and conditions of employment, or 2895
the continuation, modification, or deletion of an existing 2896
provision of a collective bargaining agreement is not subject to 2897
collective bargaining or effects bargaining under Chapter 4117. 2898
of the Revised Code. The provisions of this paragraph apply to a 2899
collective bargaining agreement entered into, modified, renewed, 2900
or extended on or after ~~the effective date of this section~~ 2901
October 15, 2015, and those provisions are deemed to be part of 2902
that agreement regardless of whether the district satisfied the 2903
conditions prescribed in division (A) of this section at the 2904
time the district entered into that agreement. If the district 2905

board relinquished one or more of the rights or responsibilities 2906
listed in division (C) of section 4117.08 of the Revised Code in 2907
a collective bargaining agreement entered into prior to ~~the~~ 2908
~~effective date of this section~~ October 15, 2015, and had resumed 2909
holding those rights or responsibilities pursuant to division 2910
(K) of former section 3302.10 of the Revised Code, as it existed 2911
prior to that date, the district board shall continue to hold 2912
those rights or responsibilities until such time as both the new 2913
academic distress commission appointed under this section ceases 2914
to exist upon completion of the transition period specified in 2915
division (N) (1) of this section and the district board agrees to 2916
relinquish those rights or responsibilities in a new collective 2917
bargaining agreement. 2918

(G) In each school year that the district is subject to 2919
this section, the following shall apply: 2920

(1) The chief executive officer shall implement the 2921
improvement plan approved under division (E) (2) of this section 2922
and shall review the plan annually to determine if changes are 2923
needed. The chief executive officer may modify the plan upon the 2924
approval of the modifications by the academic distress 2925
commission. 2926

(2) The chief executive officer may implement innovative 2927
education programs to do any of the following: 2928

(a) Address the physical and mental well-being of students 2929
and their families; 2930

(b) Provide mentoring; 2931

(c) Provide job resources; 2932

(d) Disseminate higher education information; 2933

(e) Offer recreational or cultural activities; 2934

(f) Provide any other services that will contribute to a 2935
successful learning environment. 2936

The chief executive officer shall establish a separate 2937
fund to support innovative education programs and shall deposit 2938
any moneys appropriated by the general assembly for the purposes 2939
of division (G) (2) of this section in the fund. The chief 2940
executive officer shall have sole authority to disburse moneys 2941
from the fund until the district is no longer subject to this 2942
section. All disbursements shall support the improvement plan 2943
approved under division (E) (2) of this section. 2944

(3) If the district is not a school district in which the 2945
pilot project scholarship program is operating under sections 2946
3313.974 to 3313.979 of the Revised Code, each student who is 2947
entitled to attend school in the district under section 3313.64 2948
or 3313.65 of the Revised Code and is enrolled in a school 2949
operated by the district or in a community school, or will be 2950
both enrolling in any of grades kindergarten through twelve in 2951
this state for the first time and at least five years of age by 2952
the first day of January of the following school year, shall be 2953
eligible to participate in the educational choice scholarship 2954
pilot program established under sections 3310.01 to 3310.17 of 2955
the Revised Code and an application for the student may be 2956
submitted during the next application period. 2957

(4) Notwithstanding anything to the contrary in the 2958
Revised Code, the chief executive officer may limit, suspend, or 2959
alter any contract with an administrator that is entered into, 2960
modified, renewed, or extended by the district board on or after 2961
~~the effective date of this section, October 15, 2015,~~ provided 2962
that the chief executive officer shall not reduce any salary or 2963

base hourly rate of pay unless such salary or base hourly rate 2964
reductions are part of a uniform plan affecting all district 2965
employees and shall not reduce any insurance benefits unless 2966
such insurance benefit reductions are also applicable generally 2967
to other employees of the district. 2968

(5) The chief executive officer shall represent the 2969
district board during any negotiations to modify, renew, or 2970
extend a collective bargaining agreement entered into by the 2971
board under Chapter 4117. of the Revised Code. 2972

(H) If the report card for the district has been issued 2973
under section 3302.03 of the Revised Code, as it existed prior 2974
to the effective date of this amendment, or section 3302.032 of 2975
the Revised Code for the first school year that the district is 2976
subject to this section and the district does not meet the 2977
qualification in division (N) (1) of this section, the following 2978
shall apply: 2979

(1) The chief executive officer may reconstitute any 2980
school operated by the district. The chief executive officer 2981
shall present to the academic distress commission a plan that 2982
lists each school designated for reconstitution and explains how 2983
the chief executive officer plans to reconstitute the school. 2984
The chief executive officer may take any of the following 2985
actions to reconstitute a school: 2986

(a) Change the mission of the school or the focus of its 2987
curriculum; 2988

(b) Replace the school's principal and/or administrative 2989
staff; 2990

(c) Replace a majority of the school's staff, including 2991
teaching and nonteaching employees; 2992

(d) Contract with a nonprofit or for-profit entity to 2993
manage the operations of the school. The contract may provide 2994
for the entity to supply all or some of the staff for the 2995
school. 2996

(e) Reopen the school as a community school under Chapter 2997
3314. of the Revised Code or a science, technology, engineering, 2998
and mathematics school under Chapter 3326. of the Revised Code; 2999

(f) Permanently close the school. 3000

If the chief executive officer plans to reconstitute a 3001
school under division (H) (1) (e) or (f) of this section, the 3002
commission shall review the plan for that school and either 3003
approve or reject it by the thirtieth day of June of the school 3004
year. Upon approval of the plan by the commission, the chief 3005
executive officer shall reconstitute the school as outlined in 3006
the plan. 3007

(2) Notwithstanding any provision to the contrary in 3008
Chapter 4117. of the Revised Code, the chief executive officer, 3009
in consultation with the chairperson of the academic distress 3010
commission, may reopen any collective bargaining agreement 3011
entered into, modified, renewed, or extended on or after ~~the~~ 3012
~~effective date of this section~~ October 15, 2015, for the purpose 3013
of renegotiating its terms. The chief executive officer shall 3014
have the sole discretion to designate any provisions of a 3015
collective bargaining agreement as subject to reopening by 3016
providing written notice to the bargaining representative. Any 3017
provisions designated for reopening by the chief executive 3018
officer shall be subject to collective bargaining as set forth 3019
in Chapter 4117. of the Revised Code. Any changes to the 3020
provisions subject to reopening shall take effect on the 3021
following first day of July or another date agreed to by the 3022

parties. The chief executive officer may reopen a collective 3023
bargaining agreement under division (H) (2) of this section as 3024
necessary to reconstitute a school under division (H) (1) of this 3025
section. 3026

(I) If the report card for the district has been issued 3027
under section 3302.03 of the Revised Code, as it existed prior 3028
to the effective date of this amendment, or section 3302.032 of 3029
the Revised Code for the second school year that the district is 3030
subject to this section and the district does not meet the 3031
qualification in division (N) (1) of this section, the following 3032
shall apply: 3033

(1) The chief executive officer may exercise any of the 3034
powers authorized under division (H) of this section. 3035

(2) Notwithstanding any provision to the contrary in 3036
Chapter 4117. of the Revised Code, the chief executive officer 3037
may limit, suspend, or alter any provision of a collective 3038
bargaining agreement entered into, modified, renewed, or 3039
extended on or after ~~the effective date of this section~~ October 3040
15, 2015, provided that the chief executive officer shall not 3041
reduce any base hourly rate of pay and shall not reduce any 3042
insurance benefits. The decision to limit, suspend, or alter any 3043
provision of a collective bargaining agreement under this 3044
division is not subject to bargaining under Chapter 4117. of the 3045
Revised Code; however, the chief executive officer shall have 3046
the discretion to engage in effects bargaining on the way any 3047
such decision may affect wages, hours, or terms and conditions 3048
of employment. The chief executive officer may limit, suspend, 3049
or alter a provision of a collective bargaining agreement under 3050
division (I) (2) of this section as necessary to reconstitute a 3051
school under division (H) (1) of this section. 3052

(J) If the report card for the district has been issued 3053
under section 3302.03 of the Revised Code, as it existed prior 3054
to the effective date of this amendment, or section 3302.032 of 3055
the Revised Code for the third school year that the district is 3056
subject to this section and the district does not meet the 3057
qualification in division (N)(1) of this section, the following 3058
shall apply: 3059

(1) The chief executive officer may exercise any of the 3060
powers authorized under division (H) or (I) of this section. 3061

(2) The chief executive officer may continue in effect a 3062
limitation, suspension, or alteration of a provision of a 3063
collective bargaining agreement issued under division (I)(2) of 3064
this section. Any such continuation shall be subject to the 3065
requirements and restrictions of that division. 3066

(K) If the report card for the district has been issued 3067
under section 3302.03 of the Revised Code, as it existed prior 3068
to the effective date of this amendment, or section 3302.032 of 3069
the Revised Code for the fourth school year that the district is 3070
subject to this section and the district does not meet the 3071
qualification in division (N)(1) of this section, the following 3072
shall apply: 3073

(1) The chief executive officer may exercise any of the 3074
powers authorized under division (H), (I), or (J) of this 3075
section. 3076

(2) A new board of education shall be appointed for the 3077
district in accordance with section 3302.11 of the Revised Code. 3078
However, the chief executive officer shall retain complete 3079
operational, managerial, and instructional control of the 3080
district until the chief executive officer relinquishes that 3081

control to the district board under division (N) (1) of this section. 3082
3083

(L) If the report card for the district has been issued 3084
under section 3302.03 of the Revised Code, as it existed prior 3085
to the effective date of this amendment, or section 3302.032 of 3086
the Revised Code for the fifth school year, or any subsequent 3087
school year, that the district is subject to this section and 3088
the district does not meet the qualification in division (N) (1) 3089
of this section, the chief executive officer may exercise any of 3090
the powers authorized under division (H), (I), (J), or (K) (1) of 3091
this section. 3092

(M) If division (I), (J), (K), or (L) of this section 3093
applies to a district, community schools, STEM schools, 3094
chartered nonpublic schools, and other school districts that 3095
enroll students residing in the district and meet academic 3096
accountability standards shall be eligible to be paid an 3097
academic performance bonus in each fiscal year for which the 3098
general assembly appropriates funds for that purpose. The 3099
academic performance bonus is intended to give students residing 3100
in the district access to a high-quality education by 3101
encouraging high-quality schools to enroll those students. 3102

(N) (1) When a district subject to this section receives an 3103
overall grade of "C" or higher under division (C) (3) of section 3104
~~3302.03-3302.032~~ of the Revised Code, the district shall begin 3105
its transition out of being subject to this section. Except as 3106
provided in division (N) (2) of this section, the transition 3107
period shall last until the district has received an overall 3108
grade higher than "F" under division (C) (3) of section ~~3302.03-~~ 3109
3302.032 of the Revised Code for two consecutive school years 3110
after the transition period begins. The overall grade of "C" or 3111